

**PII**

Responses to and Contest of the Notice of Suspension and Proposed Debarment of  
Ron Johnny, EPA Case No. 12-0128-00

**I. Parties Involved**

**Respondents**

1. Respondent RON JOHNNY (hereinafter "Respondent JOHNNY" or "JOHNNY") admits that he was, the Environmental Coordinator for the federally recognized Summit Lake Paiute Tribe (hereinafter "Tribe").

JOHNNY denies the allegation in the Action Referral Memorandum (see page 2, paragraph 1, Action Referral Memorandum, dated May 4, 2012 (ARM)) that he was the Tribe's "Acting Council Administrator . . . .". Exhibit 1, the Memorandum of Interview of Victoria Schwarz, is not reliable evidence on this allegation and many more allegations. Exhibit 1 is not a memorandum of investigation, it is merely a memorandum setting forth numerous false, unsupported, allegations against JOHNNY by WINN.

JOHNNY admits, as the documents EPA has had in its possession since the EPA Region 9 Office of Inspector General (hereinafter "OIG") conducted its office audit of the Tribe in 2011 prove (see Exhibits A, B, and C), that for a period of time he was the Tribe's Acting Chief Administrative Employee (hereinafter "Acting CAE"). See also Exhibit K.

JOHNNY admits the allegation in the ARM (see page 2, paragraph 1) that "[a]t all relevant times, JOHNNY was paid bi-weekly under the GAP grant for 80 hours. . . .".

JOHNNY denies the allegation in the ARM (see page 2, paragraph 1), because of lack of information, knowledge and documentation to admit the allegation, that during the period in question he was "paid . . . at \$25.75 per hour".

JOHNNY denies the allegation in the ARM (see page 2, paragraph 1) that "[a]t all relevant times, JOHNNY was paid . . . by the BIA for 80 hours at \$10.00 per hour". See Exhibits A, B, C and K.

Exhibit 1, the Memorandum of Interview of Victoria Schwarz, is not reliable evidence on this allegation and many more allegations.

Exhibit 1 is not a memorandum of investigation, it is merely a memorandum setting forth numerous false, unsupported, allegations by WINN against JOHNNY.

The Statement of Frances Winn, Finance Director, Summit Lake Paiute Tribe (hereinafter "WINN"), that JOHNNY was also paid bi-weekly through the Tribe's annual Consolidated Tribal Government Program (CTGP) Public Law 93-638 Contract is knowingly false. JOHNNY submits three documents as Exhibits A, B, and C which have been in the possession of EPA OIG since their office audit of the Tribe in 2011 and which prove that WINN lied to EPA OIG and or Stephanie Ebright and or James Lemley, the latter two EPA Debarment Counsel.

Exhibit A is a Wage Rate Authorization on JOHNNY, dated September 20, 2008 (setting Acting Administrator/CAE compensation for "20 hours per week" not 40 hours per week).

Exhibit B is an Employee Action Notice on JOHNNY, dated September 20, 2008 (confirming the Wage Rate Authorization).

Exhibit C is an Employee Action Notice on JOHNNY, dated December 6, 2008 (reducing JOHNNY's Acting Administrator/CAE compensation but not changing the number of hours to be worked as a maximum).

Most importantly, Exhibit C is signed and dated personally by WINN (see last signature and date). WINN's signature is meant to denote that WINN has entered the changes made by Employee Action Notices, and Wage Rate Authorizations accompanying Employee Action Notices, into the Tribe's accounting software on the date signed.

WINN's materially false statement to EPA OIG that JOHNNY was being paid 40 hours per week at \$10.00 per hour, bi-weekly, is not only false and misleading but if the Tribe's accounting software reflects \$10.00 per hour, that is tampering with the official decisions of the governing body of the Tribe and, at the very least, misleading EPA. At the very worst, falsifying accounting software entries may be a crime.

The motive of WINN to lie or create pure fictions against JOHNNY was two-fold. First, WINN retaliated against JOHNNY (and WARNER BARLESE) for the Summit Lake Paiute Council, and WARNER BARLESE as Council Chairman, failing to give WINN more recognition for the Tribe resolving the claims of the U.S. Department of the Interior, Bureau of Indian Affairs (BIA), that the Tribe owed Interior or BIA more than one million dollars in "deferred revenue". The *deferred revenue* was created between 2002 and 2006. Prior to WARNER BARLESE getting elected to the Council in May 2006, the Tribe had not had annual audits done between 2002 and 2005. Because the Tribe had spent direct BIA Contract funding on indirect costs, and had failed to secure an Indirect Cost

Rate through the U.S. Department of Interior's National Business Center, the CPA's hired by the Tribe listed what they believed were missing 2002-2006 Indirect Cost Rate funds and the direct funds spent on indirect costs between 2002-2006 as "deferred revenue," money that should have been in the bank's checking account but was not. Surely, WINN played a role once she was employed in 2008 in getting Interior to reduce, based on documents submitted, the total amount claimed as "deferred revenue" from more than one million to less than \$109,000 but that is not to say she did any more work than each of the Council members, and JOHNNY (one of the GAP Grant Component Commitments was to resolve audit issues).

Second, WINN retaliated against JOHNNY for the governing body of the Tribe (Summit Lake Paiute Council) in October 2011, at which time WARNER BARLESE was Council Chairman, placing WINN under JOHNNY's very close supervision despite JOHNNY's objections. Under the Council's decision in October 2011, the Council rejected in large part the effort of WINN and another person working for the Tribe, to remove JOHNNY from any personnel supervisory role over them as Acting CAE. In October 2011, following a Council Meeting on the Summit Lake Reservation (many hours north of the Tribe's office in Sparks, Nevada), JOHNNY was to review: (1) all incoming and outgoing email of WINN's; (2) all incoming and outgoing letters of WINN's; and, (3) all federal Financial Reports WINN proposed to submit to federal agencies. The Council was concerned because many federal Financial Reports submitted by WINN to federal agencies were being returned for amendment because her dollar totals for expenditures and draw-downs were incorrect. Because JOHNNY had earned his undergraduate degree from the University of California, Berkeley, and was the published author of several law review articles on tribal environmental issues, two state bar articles, and another article, JOHNNY was to correct any grammar and typographical errors in WINN's emails and letters. As well, Summit Lake Paiute Council Member JERRY BARR was to attend department director's meeting following the October 2011 Council Meeting to confirm the Council's directives to JOHNNY, and keep the peace given WINN's repeated, angry, personal attacks against JOHNNY during department director meetings.

JOHNNY hereby requests that the Hearing Officer declare all of the lies and false accusations of WINN against JOHNNY, contained in Exhibit 1, be stricken from the record or, in the alternative, declare Exhibit 1 as not supporting JOHNNY's suspension and proposed debarment because the allegations are not credible given the circumstances given Exhibits A, B, C, D and K, the allegations are not corroborated, and that the only inference from WINN's allegations that can be drawn are that they are lies and pure fiction. See Matter of Sloan, 1996 WL 506267 (ALJ determination).

### **Separate Respondent**

2. JOHNNY does not speak for WARNER BARLESE.

## **Non-Respondents**

3. JOHNNY denies that WINN, at all relevant times, was the Finance Director for the Tribe. WINN, who holds no undergraduate or higher degrees, was initially hired as a bookkeeper for the Tribe. Over time, WINN became the Finance Department Director when additional Finance staff were hired using the Tribe title of tribal accountant, however, other than a possible AA degree, WINN has no accountant or CPA training.
4. JOHNNY denies the Tribe's "reservation is located in Sparks, Nevada". See ARM, Page 2, paragraph 4. The Tribe's primary agent's office (for Nevada state sales tax exempt purchase purposes) and the Tribe's administrative office is located in Sparks, Washoe County, Nevada. The Tribe's land is located many hours north of Sparks, Nevada, depending on road and weather conditions, surrounded by Humboldt County, Nevada. This distinction is important for some tribal sovereignty purposes and to ensure the record is correct.

## **II. Factual Summary**

5. The Factual Summary of Debarment Counsel Stephanie Ebright (see original ARM, dated January 20, 2012 (in EPA File in EPA Case No. 12-0108-00 because it was served on JOHNNY)) failed to advise the EPA Suspension and Debarment Official of evidence in the possession of EPA (JOHNNY's Exhibits A, B and C) that would have demonstrated that the statements of EPA informant WINN against JOHNNY relative to pay irregularities were, for the most part, pure fiction and lies. Merely calling the EPA informant WINN's statements in Exhibit 1 relative to pay that EPA Debarment Counsel Stephanie Ebright materially relied on as false statements would be a euphemism. Absent the pure fiction and lies in Exhibit 1, Respondent JOHNNY believes he would likely never have been suspended or considered for debarment; this is consistent with case law. See *Sloan v. U.S. Department of Housing and Urban Development*, No. 99-5146, 231 F.3d 10 (D.C. Cir.2000) ("In assessing the adequacy of the evidence, the agency should consider how much information is available, how credible it is given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result" . . . "In applying these regulations, the ALJ and the Secretary are required to consider both whether there is adequate justification for the suspensions at the time they are issued, and whether, in light of the evidence adduced at the debarment hearing, there is good reason to terminate the suspensions"). See also *Horne Brothers, Inc. v. Laird*, 463 F.2d 1268 (D.C. Cir.1972).

First, if "SLPT tribal members began contacting her . . . [starting] July 2010 to report their suspensions that Johnny was not properly overseeing the GAP" (see exhibit 1 at paragraph 1) grant there would be some written record (for example, a comment in the Finance Director's monthly report to the Tribal Council, a comment in the Minutes of Tribal Council Meetings, telephone message that



someone called EPA's informant, an email, a letter, etc.). The Minutes of all Tribal Council Meetings are posted under the Minutes and Resolutions Tab or Page on the Tribe's original environmental protection (meaning EPA GAP grant funded) web site: [www.summitlaketribe.org](http://www.summitlaketribe.org). In none of those Minutes, officially signed by the Tribal Council Secretary-Treasurer, is there any mention of: (1) tribal members suspicions that Respondent JOHNNY was not properly overseeing the GAP grant; and, (2) that JOHNNY had attempted or had received reimbursement for the purchase of a shotgun whether or not it was given to WARNER BARLESE as a gift. Moreover, Exhibit 5, the audit report of EPA OIG, fails to list any complaint of WINN that JOHNNY had purchased a shotgun and had either attempted or received reimbursement from GAP or any other funds to give the shotgun to WARNER BARLESE as a gift.

Moreover, the fact that WINN cannot describe the alleged "shotgun" makes her claim suspect. In addition to various prices for various manufacturers and models of shotguns, WINN should be able to describe what kind of shotgun JOHNNY allegedly purchased and sought reimbursement for (e.g., 14, 12 or 10 gauge; pump, semi-automatic, bolt action, or individually loaded; double-barrel or side-by-side, over-under, single barrel, etc.; blued or stainless steel; etc.).

Moreover, the allegation that JOHNNY sought reimbursement for the purchase of a shotgun fails to provide any documentary evidence of said purchase and attempt to be reimbursed or of JOHNNY being reimbursed. WINN is responsible for retaining all financial documents of the Tribe as required by federal regulations. WINN's, apparent, free access to EPA OIG staff, including having lunch with them, demonstrates WINN had more than ample opportunity to find and produce supporting documents for the allegation. The Tribe has a reimbursement form (which JOHNNY does not have a copy of) which requires the person seeking reimbursement to: date and sign; advise the date of the purchase; advise the purpose of the purchase; advise the funding from which reimbursement is sought; and, most importantly, bear the date and signature of the supervisor of the person seeking reimbursement. JOHNNY's supervisor as both Environmental Coordinator and Acting CAE was WARNER BARLESE. Thus if JOHNNY had submitted a reimbursement for a shotgun, WARNER BARLESE would have had to sign the reimbursement form. Contrary to the inference of WINN, and what shows the false nature of WINN's accusation, WARNER BARLESE would not have been required to call WINN to authorize or demand a reimbursement request that he had already approved. Once a reimbursement is authorized, then a Check Request Form has to be completed and signed; and, two check signers who are Council members have to sign the check reimbursing a purchase.

JOHNNY has contacted the State of Nevada's Public Safety Department Office of Firearm Records to see if he could get proof he did or did not buy a shotgun. Given U.S. Second Amendment concerns, the Office of firearm Records only issues notices when a person's attempt to buy a weapon is denied. The computer

records of all authorizations allowing rifles, pistols, shotgun and the like to be purchased are purged at about 10:00pm on the same day.

The fact that WINN can produce no electronic record of a reimbursement to JOHNNY or copies of the Reimbursement Request, Check Request, and Check demonstrates that either WINN has created a pure fiction or no information is available, that her statement is not credible given the circumstances, that the allegation cannot be corroborated, and that the only inference that can reasonably be drawn is that WINN created a pure fiction.

Moreover, JOHNNY submits Exhibit D, a letter from a person who has known JOHNNY since 1974 and with whom JOHNNY hunts, discusses hunting and fishing, and discusses weapons and their purchase whether a rifle or pistol. As Exhibit D attests, JOHNNY has never discussed the purchase of a shotgun for any purpose let alone making a shotgun purchase as a gift for WARNER BARLESE.

JOHNNY denies purchasing a shotgun for himself or anyone else during his employment with the Tribe.

JOHNNY denies purchasing a shotgun or any other weapon (pistol, rifle, bow, etc.) as a gift for WARNER BARLESE before, during or after his employ with the Tribe.

JOHNNY also denies any "improper claim of labor costs". When JOHNNY was first employed by the Tribe as Environmental Coordinator (see Exhibit Q), the GAP Grant Project Officer was Greg Phillips ("PHILLIPS"), a "placed-based" Project Officer working out of the U.S. Department of the Interior, Bureau of Land Management (BLM) Office in Carson City, Nevada, not the EPA Region 9 Office in San Francisco as was the Tribe's second, temporary, Project Officer. While PHILLIPS was the Tribe's EPA GAP Grant Project Officer, there were meetings between JOHNNY and PHILLIPS at least bi-weekly either in the office of PHILLIPS or JOHNNY (the latter whether in Winnemucca, Nevada, or elsewhere). During these bi-weekly (and sometimes weekly) meetings between PHILLIPS and JOHNNY, PHILLIPS would direct and or suggest to JOHNNY on certain activities allowed by the GAP Grant to allow the Tribe to complete or amend the multiple Components of the different GAP Grants and the multiple Commitments of each Component.

Typically, there were seven to ten Components in each of the Tribe's annual (September 1 to August 31) GAP Grants. In 2008, PHILLIPS and his supervisors gave the Tribe and JOHNNY an excellent End Of Year (EOY) Report.

The excellent 2008 EOY Report was earned, in part, because JOHNNY and the Tribe had changed the design of the web site paid for with GAP Grant funds, and made the contents of the web site comply with the Components and Commitments of the Tribe's GAP Grants. In this respect, Exhibit #2, apparently printed on

January 19, 2012 (see lower right hand corner of Exhibit #2) is not a true and accurate representation of the web site approved by EPA GAP Grant Project Officer PHILLIPS and which JOHNNY maintained during his employment with the Tribe as Environmental Coordinator.

Exhibit 4 contains several emails between JOHNNY and newly hired LAURA MAYO, the Tribe's permanently appointed GAP Project Officer after PHILLIPS transferred to another Region. The emails in Exhibit 4 reveal that almost every Tribe in Nevada who had been assigned MAYO as a Project Officer objected to her tactics and decisions, and how she conducted business. The emails demonstrate a repeated campaign by Tribes in Nevada with GAP Grants to secure, as EPA Region 9 promised, a "place-based" Project Officer in Nevada.

The emails in Exhibit 4 between MAYO and JOHNNY also demonstrate that without advanced or reasonable notice that MAYO made policy decision changes which PHILLIPS had made leading to the allegation of improper labor claims. Exhibit 4 is a mass of unnumbered pages of at least four reams of single-sided paper copies, at least 200 pages.

Within Exhibit 4 are documents that show the approximate value of time and labor costs. None of these approximations of time and labor costs in and of themselves would warrant suspension let alone debarment.

For example, see "Ron's calculations for GAP ineligible activities 06.25.11 rev.; Document[s] declared GAP ineligible by Mayo Email 03.08.10 4:38pm" (the 10th and 11th page of Exhibit 4 as served on JOHNNY). In some of the documents MAYO declared GAP Grant ineligible by her March 8, 2010 4:38pm email, she had already declared ineligible by another email thus the "duplicate above" or "already charged" notation. In documents where the activity was approved by PHILLIPS and no warning given by MAYO that she was changing PHILLIPS' previous decisions there is a notation of "eligible" or "1/2 eligible". There is also a description of the document MAYO declared GAP Grant ineligible (e.g., "short email", "short/read"). In any event, the estimate of labor costs was \$108.65, again, not sufficient to warrant suspension or debarment.

Moreover, the documents MAYO declared GAP Grant ineligible by her March 8, 2010 4:38pm email were not all for that day. The printer the Tribe was using to create PDF (portable document format) documents had broken down. It was not until a later date that JOHNNY could PDF all documents he believed were "deliverables" of the GAP Grant. The documents had code for the Component and Commitment of the GAP Grant, and date and time. For example, "Commit 7.1 080309 529pm Networking with Tribes.pdf" and its description information means it was a short email that took five minutes for Component 7, Commitment 7.1 during the Fourth Quarter of the 2008-2009 GAP Grant.

Despite requests, EPA Region 9 never identified what “deliverables” MAYO had changed its code on from the structure above to “attdt61u.pdf”, etc.. Thus no estimate of labor costs could be estimated on those documents.

Exhibit 1 also contains several other false allegations explained herein or at the end of this Response and Contest. For example, WINN alleged in Exhibit 1 that tribal members “began contacting her” “in July 2010” “to report their suspicions that Johnny was not properly overseeing the GAP and other EPA grants providing funding for the removal of solid waste on the reservation.” See Exhibit 1, page 1, paragraph 3. JOHNNY hereby submits Exhibit G (GAP Grant FY 2005-2006 budget modifications approved and disapproved by GAP Grant Project Officer PHILLIPS on December 13, 2007) which demonstrate that spending of GAP Grant FY (Fiscal Year) 2005-2006 Solid Waste Cleanup funding of \$23,448.00 was not authorized to be spent in FY 2007-2008. See Exhibit G, page 1 (“Not Approved until further details [initialed] GP [for Greg Phillips]”). See also Exhibit H, page 1, second column, Environmental Newsletter (First Quarter, September-November 2010) (article titled “Council Directs Organization of Spring Clean Up Day in 2011” demonstrates with Exhibit G that JOHNNY was doing everything possible to get the Council to make solid waste removal decisions). The Council did not want to use EPA solid waste removal funding because the open pit dump that would be cleaned would have to be forever fenced off from further use by the Tribe so EPA would never be asked to fund solid waste removal again.

### **III. Background**

6. JOHNNY denies paragraph number 6 because he lacks the information, knowledge and documents to admit it.
7. JOHNNY denies that he had any oversight of the GAP Grant in 2005, 2006 and prior to September 10, 2007. JOHNNY’s first day of employment with the Tribe as Environmental Coordinator was September 10, 2007 (see Exhibit Q) otherwise JOHNNY admits the remainder of paragraph numbered 7.
8. JOHNNY partially admits and partially denies paragraph numbered 8. Each year in October, at annual Tribal-EPA Annual Meetings and during the accompanying RTOC, EPA Grants Management personnel gave grants management training but did not train Tribes to comply with the time management and time sheet requirements. See Exhibit E (compact disc handed out during JOHNNY’s last grant management training session). EPA Region 9 created a Pilot Checklist Form for Tribes (see Exhibit F), which has been adopted by other EPA Regions, which recognizes, given the lack of adequate GAP funding to Tribes, as compared to the GAP Grant funding given States, that Tribes do not have the capacity to develop policies, procedures and forms to comply with 40 CFR Chapter I, Subpart B whether or not Part 31, Subpart C, section 31.22.

9. JOHNNY admits the statement in this paragraph.
10. JOHNNY admits the statement in this paragraph.
11. JOHNNY denies the allegations in this paragraph because he lacks any information, knowledge or belief. JOHNNY notes that the letter in Exhibit 8 allegedly from Warner Barlese, Chairman, Summit Lake Paiute Council, to Thomas J. McCullough, Disputes Decisions Official, EPA, dated April 30, 2012, is not signed by WARNER BARLESE. The purported letter bears the "signature stamp" of WARNER BARLESE. WARNER BARLESE lives in Citrus Heights, California, near Sacramento. The letter was obviously written by someone else but they did not so indicate by, for example, inserting "WB/rj." There is no proof, according to the Tribe's policy on use of a Council member's signature stamp, that WARNER BARLESE authorized the use his signature stamp. Compare the signatures on Exhibits A and B with the signature on the letter, identified-above in Exhibit 8. Since WINN and another person who works for the Tribe are identified in the Exhibit 8 letter, it is possible WINN wrote the letter and affixed the signature stamp on it. JOHNNY cannot remember the details of the Tribe's leave policy and therefore denies the remainder of the allegations in this paragraph.
12. JOHNNY partially admits and denies the contents of this paragraph. While 2 CFR may state what the paragraph alleges, EPA's practice has been to not address these issues in grant management training to Tribes during RTOCs, during other grant management training (see Exhibit E (issued to JOHNNY during the EPA sponsored National PETE Training at EPA Region 9 Headquarters in San Francisco, March 30-31, 2011)) or require Tribes by the Pilot Checklist Form (see Exhibit F) to adhere to these provisions. Other federal agencies, unlike EPA that demanded immediate compliance with 2 CFR Part 225, Appendix B, 8.h.(4), not only give Tribes almost two (2) years to implement these requirements (see Exhibit I) but give Tribes working copies of the required time sheets (see Exhibit J).

Exhibit I is an email from Cresencia-Marilyn P. Elgar, Indirect Cost services Auditor/Negotiator, Acquisition Services Directorate, U.S. Department of Interior, National Business Center (NBC), Sacramento, California, to JOHNNY, dated Monday, May 14, 2012 2:16pm (explaining that in a August 16, 2010 letter to the Chairman of another Tribe that the other Tribe was given almost two years to comply with "2 CFR 225, Appendix B, Section 8.h.(4) and (5)").

Exhibit J is another email, almost one hour later, from Cresencia-Marilyn P. Elgar, Indirect Cost services Auditor/Negotiator, Acquisition Services Directorate, U.S. Department of Interior, National Business Center (NBC), Sacramento, California, to JOHNNY, dated Monday, May 14, 2012 3:05pm, providing a working copy of the time sheet required by 2 CFR 225, Appendix B, Section 8.h.(4) and or (5).

Because neither the EPA Region 9 GAP Grant Project Officers or Grant Management Specialists, who monitor Tribe GAP Grant performance, do not train Tribes on or include the requirements of 2 CFR 225, Appendix B, Section 8.h.(4) in the annual Tribe GAP Grant Checklist Forms (see e.g., Exhibit F), it seems unfair to allow EPA through its OIG or Debarment Counsel to enforce 2 CFR 225, Appendix B, Section 8.h.(4) without some reasonable advanced notice. Thus JOHNNY requests that the Hearing Officer find that there are no grounds for suspension or debarment for violation of 2 CFR 225, Appendix B, Section 8.h.(4) under the circumstances of this case.

#### **IV. Factual Narrative**

13. JOHNNY denies this paragraph as stated above. JOHNNY requests, for the case law authority cited above, the Hearing Officer terminate the suspension on this ground finding no information is available, that WINN's statement is not credible given the circumstances, that the allegation cannot be corroborated, and that the only inference that can reasonably be drawn is that WINN created a pure fiction which cannot sustain the suspension or debarment.
14. JOHNNY partially denies the allegations of this paragraph. JOHNNY was not the "National Emergency Management System Compliance Officer" as alleged by WINN in Exhibit 1. The prosecution of this allegation demonstrates not only a pure fiction by WINN but a disconnect between EPA OIG (audit) personnel and EPA Project Officer and Grant Management Specialists who under the Components and Commitments of GAP Grants to Tribes. As part of one of all Tribe's annual EPA GAP Grants Components, JOHNNY was required to assist the Tribe become NIMS (National Incident Management System) compliant as required by federal law. JOHNNY was initially the Tribe's alternate on the Nevada Tribes' Inter-Tribal Emergency Response Commission, and JOHNNY attended annual EPA-Tribe, GAP Grant funded, sessions on emergency management and the development of community emergency response teams (CERTs). JOHNNY, and WARNER BARLESE, also attended and completed ICS (Incident Command System) 100, 200 and 700 courses funded by EPA Region 9 GAP funds. JOHNNY denies he was the "Tribe's Safety Officer" as alleged by WINN. The Tribe's Environmental Coordinator was repeatedly denied funding for an assistant by EPA thus the only department directors of the Tribe who had employees subject to the Tribe's safety policies was WINN and the Director of the Natural Resources Department. JOHNNY denies being the "Computer Network Administrator" as alleged by WINN. The Director of the Natural Resources Department and one of his employees, Kent (last name not remembered), were the computer network administrators. JOHNNY was often criticized by the Director of the Natural Resources Department for not utilizing the computer network and only working off the hard drive of the GAP Grant's laptop computers; JOHNNY did not use the Tribe's network because he worked not only the Sparks, Nevada, office but also worked while traveling to RTOC and

other conferences or while on the Summit Lake Reservation many hours north of the Sparks, Nevada, office. JOHNNY admits, in accordance with the Tribe's personnel manual policies, and as Acting CAE, that he was, in effect, the Human Resources Director although, like the Environmental Coordinator, one person does not make a department but it was a minor task. JOHNNY denies the existence of a Tribe Indian Child Welfare Act Department; JOHNNY does admit that as a minor task he responded by email and or letters during lunch and other breaks, or after normal working hours as Environmental Coordinator, to state courts and state welfare agencies Indian Child Welfare Act (federal law) notices, and, once, while traveling with the Director of the Natural Resources Department and Kent (same as above) to Home Depot to obtain multiple EPA Grant related Tribe credit cards, participated in a Oregon state Indian Child Welfare Act hearing. JOHNNY denies being the "Tribe's Member Enrollment Director"; JOHNNY admits that he was trained to utilize the Tribe's enrollment software to issue tribal enrollment cards and, usually, issued enrollment cards to tribal members during lunch and other breaks required of employers by federal law and after Environmental Coordinator working hours. JOHNNY denies WINN's allegations that JOHNNY was compensated or "funded by a BIA grant" with regard to the work done on enrollment cards or in response to State ICWA notices. The annual Public Law 938 Consolidated Tribal Government Program Contract between the Tribe and BIA did provide funding for the hiring of an Indian Child Welfare Act Case Worker, however, during JOHNNY's employment the Tribe never filled that position. JOHNNY denies because he lacks information, knowledge or belief, that the Tribe was funded for Indian Child Welfare Act purposes by BIA other than to update its enrollment software and associated software hardware.

JOHNNY requests that the Hearing Officer terminate the suspension on this ground finding that no information is available, that WINN's statements are not credible given the circumstances, that the allegations cannot be corroborated, and that the only inference that can reasonably be drawn is that WINN created a pure fiction in her allegations against JOHNNY.

15. JOHNNY denies the allegations of WINN that he: "served as a trial judge for a tribe in Colorado"; "that on one occasion . . . he was scheduled to be in Colorado"; that on one occasion "a tribal member from the Colorado tribe contacted the Summit Lake Paiute Tribe's office inquiring about the whereabouts of JOHNNY since he had not shown up to serve as a judge". WINN, like JOHNNY, is an American Indian. JOHNNY admits that from 2001-2003 he was chief justice and between 2003-2011 he was an associate justice of an appeals court for a Tribe in Arizona but not in Colorado. JOHNNY denies that anyone ever called the Tribe to inquire about his whereabouts as a associate justice in 2009, that JOHNNY's contact was purely through the cell phone of the chief justice in 2009 and it would have been a violation of the American Bar Association's Model Code of Judicial Conduct and or court rules for JOHNNY to have contact with a tribe member or a party of a case pending before the appeals



court. As a matter of practice, no call was possible because before every appeals court session in Arizona, the justices of the appeals court held a breakfast meeting in town off the reservation in question. Only the appeals court clerk had telephonic contact with the chief justice, and two associate justices, during such breakfast meetings. JOHNNY denies ever being late for or missing an appeals court justice breakfast meeting or missing or being late for a court of appeals session. JOHNNY denies that he ever claimed 40 hours vacation or other pay to attend a court of appeals session or that WINN ever "rejected the claim" for any purposes, including WINN's statement that "she was aware he was scheduled to be in Colorado". JOHNNY admits that he likely claimed 16 hours earned leave pay once in 2009 to attend court of appeals sessions; that JOHNNY would use Thursday as a travel day and Friday for the court of appeals session, and would be back to work for the Tribe Monday morning. JOHNNY denies WINN's allegation that "JOHNNY then retroactively requested, and BARLESE approved, annual leave under the GAP grant for that period of time." As the Finance Director of the Tribe, WINN has access to electronic accounting software evidence and the payroll records to identify how many hours and what days JOHNNY claimed, however, JOHNNY believes these allegations of WINN are pure fiction.

JOHNNY submitted three invoices to the Tribe which appointed him as an associate justice in 2009, on January 31, February 28, and March 31, 2009. Only one of the three invoices reflect that JOHNNY traveled to one (1) appeals court session. The three invoices reflect that JOHNNY worked from home conducting legal research and writing decisions as follows: January 6 (Tuesday), 12 (Monday), 13 (Wed.), 28 (Wed.), 2009; February 1 (Sunday), 2 (Monday), 3 (Tuesday), 4 (Wed.), 10 (Tuesday), 11 (Wed.) and 24 (Tuesday), 2009; and, March 1 (Sunday), 9 (Monday), 10 (Tuesday), 2009, and that JOHNNY was in Arizona on March 19 (Thursday) and 20 (Friday), 2009.

JOHNNY therefore denies WINN's allegations of JOHNNY taking 40 hours leave to attend a trial court session.

JOHNNY admits that there is a possibility that he took up to 16 hours of leave from the Tribe, using earned leave time, on March 19-20, 2009.

JOHNNY requests that the Hearing Officer find that no information WINN alleged is available, that WINN's statements are not credible given the circumstances, that the allegations cannot be corroborated, and that the only inference that can reasonably be drawn is that WINN created a pure fiction in her allegations against JOHNNY that he claimed 40 hours leave to attend a trial court session in Colorado.

16. JOHNNY admits the allegations in this paragraph but denies any impropriety in claiming sick leave for GAP Grant purposes as alleged in this paragraph on April 27-28, 2010. As Exhibits A, B, and C demonstrate, JOHNNY worked as an

hourly (salaried) employee eight hours per day under the GAP grant, and worked a maximum of an additional 20 hours per week, at a flat fee, as an overtime exempt employee as Acting CAE, for a total of at least 60 hours per week. Under the federal Fair Labor Standards Act, JOHNNY was appropriately an overtime exempt employee as Acting CAE because he supervised at least two (2) employees while Acting CAE and met the other requirements. JOHNNY submits Exhibit K (the only "split time sheet" WINN ever provided him with a copy of after she processed it) showing typical hours JOHNNY worked as Environmental Coordinator, Acting CAE, and one hour that JOHNNY donated to the Tribe as a Volunteer (note WINN's initials and writing on this Exhibit). While Exhibit 6 provides a record of the conversation of WARNER BARLESE with EPA OIG Analysts Jessica Knight and Lela Wong from the perspective of Knight and Wong, it is not an exact record, and, apparently, BARLESE was not asked if JOHNNY was sick on April 27-28, 2010, although BARLESE was at the same training in Redding, California, with JOHNNY. JOHNNY admits he was ill when he had planned to work on the GAP Grant issues and that BARLESE observed him being sick. Since JOHNNY worked several hours on all Saturdays and Sundays, and a wide range of hours Monday through Friday, 60 hours per week was normal and it would not be improper for JOHNNY to use leave for hours he scheduled and expected to work. JOHNNY believes that the law does not require an employee to forego using earned leave, under appropriate circumstances like being sick, merely because he is expected to work a maximum of 60 hours per week.

EPA takes an unrealistic position as to hours worked by a Northern Paiute (American Indian) who has family, land and cultural ties to the Tribe and who takes pride in his work to save the environment of the Summit Lake Reservation and the sacred sites just off the Reservation but no less important to all Northern Paiute People. This is not the case of an employee who leaves work after working only eight (8) hours each day.

Based on the case law cited above, JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are insufficient in and of themselves to support suspension or debarment.

17. JOHNNY partially admits and denies the allegations in the paragraph. JOHNNY denies this was, as WINN alleged, "a 40 hour BIA-funded training course." JOHNNY admits he attended training over two (2) days on a new version of the Tribe's enrollment software and new hardware associated with the new software version, which allowed JOHNNY to also get an employee ID card, entitling JOHNNY to secure lower costs for lodging in San Francisco when he attended GAP eligible RTOCs and other training, but the training by TDR (Tribal Data Resources), Redding, California, was not eight (8) hours per day. Additionally, JOHNNY admits he was ill while in Redding, also attended by WARNER

BARLEE, and JOHNNY vaguely remembers that he appeared late for the training and or left early on one or both days.

Based on the case law cited above, JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are insufficient in and of themselves to support suspension or debarment or in the alternative or jointly JOHNNY requests that the Hearing Officer find that no information WINN alleged is available, that WINN's statements are not credible given the circumstances, that the allegations cannot be corroborated, and that the only inference that can reasonably be drawn is that WINN created a pure fiction in her allegations against JOHNNY.

18. JOHNNY, as above in paragraph 5, denies the allegations of this paragraph. See Exhibit D.

JOHNNY requests that the Hearing Officer find, based on the response stated above and in this paragraph, that no information WINN alleged is available, that WINN's statements are not credible given the circumstances, that the allegations cannot be corroborated, and that the only inference that can reasonably be drawn is that WINN created a pure fiction in her allegations against JOHNNY that he purchased a shotgun and not only sought reimbursement but was reimbursed.

19. JOHNNY denies the allegations of this paragraph relative to "[h]is use of annual leave was not approved in advance as required by the Tribe's policy." The Finance Department may not have maintained JOHNNY's leave approval form but based on information, belief and knowledge of JOHNNY, JOHNNY submitted his leave request, approved in advance, with his time sheet. The Hearing Officer should take note that of all the time sheets JOHNNY submitted with Leave Request Forms attached, EPA OIG could only find one (1) where the leave form was not attached. In hindsight, although not required by federal regulations and a waste of a lot of copy paper, JOHNNY should have kept copies of all time sheets and leave requests submitted with time sheets given the degree to which EPA OIG would go to find something wrong, and EPA would seek suspension and debarment over. JOHNNY admits taking eight (8) hours of earned leave and being paid by private funding for 15 hours but asserts that this is not improper or a violation of any federal regulations, and no violations of federal regulations were cited in Exhibit 5.

Based on the case law cited above, JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are insufficient in and of themselves to support suspension or debarment.

20. JOHNNY denies the EPA OIG auditors saw him come "to work at 8:00AM" but admits they saw JOHNNY "left at 11:00 AM" on April 6, 2011. JOHNNY

admits he told EPA OIG auditors at about 11:00am while all were in the Tribe's conference room that "he was taking the rest of the day off as sick leave" because of their critique of JOHNNY, his work as Environmental Coordinator and Acting CAE, and the Tribe, despite the lack of EPA GAP Grant funding parity with States, made JOHNNY feel like he was going to vomit. Based on JOHNNY's belief, information and knowledge for April 6, 2011, while JOHNNY was working between 7:34am and 8:14am, he did not arrive at the office until 8:28am. After leaving the office, JOHNNY completed work on GAP Grant eligible activities, including: (1) a memorable telephone call from Ed Pardee, Nevada Department of Wildlife, which took JOHNNY's mind off of being sick, on Pardee's efforts, by helicopter, to find sage grouse leks on or about the Summit Lake Reservation in the area where Ruby Pipeline proposed to dig and insert their natural gas pipeline, a topic very important to JOHNNY; and, (2) other GAP eligible work since JOHNNY used a laptop for GAP Grant work and JOHNNY was not only allowed to work in the Sparks, Nevada, office but on the Summit Lake Reservation and points in between the Sparks office and Reservation, and at meetings and conferences. See Exhibit Q, page 1, fifth full paragraph ("Your duty station will be the office . . . in Winnemucca, Nevada and the One Mile Spring office building on the Summit Lake Reservation, Nevada. Should the Natural Resources Department relocate their offices to another location (e.g., near Reno, Nevada), your duty station may change accordingly . . . [page 2] [there is] discretionary authority to authorize work assignments away from your duty station.").

Based on the case law cited above, JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are insufficient in and of themselves to support suspension or debarment.

21. JOHNNY admits that the allegations of EPA OIG questioning total labor costs of \$96,615 but as stated in the "At a Glance" section of Exhibit 5 (which has no page number), three pages in from the cover sheet, EPA OIG states "[a]s a result of the above issues, we questioned labor costs of \$96,615." The bulleted items meant by EPA OIG as "the above issues" were not entirely within the control of JOHNNY. As discussed above (see paragraph 12), EPA GAP Grant Project Officers and Grant Management Specialists did not: train Tribes employee, like JOHNNY, on the requirements of 2 CFR 225, Appendix B, Section 8.h(4) (see Exhibit E); and, did not make the requirements of 2 CFR 225, Appendix B, Section 8.h(4) a component of the EPA Region 9 Pilot Checklist for Tribes receiving GAP Grants which would have resolved the entire issue (see Exhibit F). Moreover, if EPA OIG itself or through EPA GAP Grant Project Officers and Grant Management Specialists had given this Tribe reasonable notice of the requirements of 2 CFR 225, Appendix B, Section 8.h(4) and or made available working time sheets as do other federal agencies that work with Tribes (see Exhibits I and J), JOHNNY and the Tribe could have responded in a timely manner complying with 2 CFR 225, Appendix B, Section 8.h(4) and those grounds for suspension and debarment

could have been avoided. It is entirely unreasonable to drop, like a hammer on a nail without notice, all the fine, detailed federal regulations on the Tribe and JOHNNY when notice and an opportunity to apply the regulations could have prevented the suspension and proposed debarment. As Exhibit F demonstrates, those requirements EPA Region 9 EPA GAP Grant Project Officers and Grant Management Specialists deemed important were brought to the attention of all Tribes, and EPA Region 7 has adopted the EPA Region 9 Pilot Checklist (see generally, Internet).

JOHNNY hereby submits Exhibit L to prove that JOHNNY took reasonable steps to review WINN's allocation of GAP Grant funds towards GAP Grant approved expenditures. See Exhibit O (email exchanges between JOHNNY and WINN on April 16, 2011, April 18, 2011 8:09am and 8:16am, and June 20, 2011).

There is no reason to make an example of JOHNNY. Compliance can be obtained in other ways (e.g., education and training).

Despite the amount of \$96,615 being a large one but because EPA OIG had four bulleted reasons for "questioning the labor costs", and EPA's failure to advise the Tribe and JOHNNY of the requirements of 2 CFR 225, Appendix B, Section 8.h(4) or giving the Tribe and JOHNNY reasonable notice and time to implement 2 CFR 225, Appendix B, Section 8.h(4), JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are insufficient in and of themselves to support suspension or debarment.

22. JOHNNY denies this paragraph based on lack of information, belief or knowledge, that he failed to track the hours in a manner required by BIA for the hours worked under the BIA contract in a time sheet or other personnel activity report for the same reasons stated in paragraphs 12 and 21 above. JOHNNY timely submitted all documents required by BIA contracts. No CPA of the Tribe ever identified an issue with 2 CFR 225, Appendix B, Section 8.h(4) compliance. In the negotiations JOHNNY participated in with a Field Solicitor of Interior representing BIA, the BIA Agency Superintendent, the BIA Region Contract Awarding Official and other BIA Agency officials, in resolving the alleged "deferred revenue" claim of BIA that the Tribe owed BIA more than one million dollars 2 CFR 225, Appendix B, Section 8.h(4) was never mentioned as an issue. Based on Exhibit K, once notified of the requirements of 2 CFR 225, Appendix B, Section 8.h(4), JOHNNY complied.

There is no reason to make an example of JOHNNY. Compliance can be obtained in other ways (e.g., education and training).

For the reasons stated in paragraphs 12 and 21, JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations

contained in this paragraph are insufficient in and of themselves to support suspension or debarment.

23. JOHNNY denies this paragraph based on lack of information, belief or knowledge. JOHNNY last worked for the Tribe in June 2011. JOHNNY was not privy to any communications between WARNER BARLESE and EPA OIG after JOHNNY's last day of employment or someone using WARNER BARLESE's signature stamp in communicating to EPA OIG or other EPA officials (see e.g., Letter in Exhibit 4, Warner Barlese, to Thomas J. McCullough, Disputes Decision Official, EPA, dated April 30, 2011). JOHNNY also denies the allegations of this paragraph relative to JOHNNY because EPA Disbarment Counsel has not identified, out of the hundreds of pages that comprise Exhibit 4, which documents BARLESE or someone else submitted that attempt to refute the allegations.

JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are insufficient in and of themselves to support suspension or debarment.

24. JOHNNY believes that after the Hearing Officer addresses the unsupported, pure fictions of WINN contained in Exhibit 1, that the "few documents" admitted by Debarment Counsel "that are relevant to this matter" taken as a whole, do not support the suspension or debarment of JOHNNY. As Debarment Counsel admits in this paragraph, the EPA OIG Report "is unclear how the conclusions in the report [Exhibit 5] were reached". Without clarity, the Hearing Officer, in accordance with the case law cited, cannot sustain the suspension or debarment of JOHNNY on the grounds that EPA OIG somehow concluded that there were \$96,615 in questioned, NOT DISALLOWED, labor costs. Contrary to the assertion of EPA Debarment Counsel in this paragraph, the estimates of labor costs JOHNNY submitted to the Tribe's EPA GAP Grant Project Officer ("report by JOHNNY") did not agree with the brand new Project Officer's assessment that the various "deliverables" were GAP Grant ineligible because she did not give advance notice to JOHNNY that she was unilaterally changing the eligibility assessment of the immediate past, more experienced, and Nevada "placed-based" GAP Grant Project Officer PHILLIPS.

In and of themselves or joined together, JOHNNY's estimates of labor costs neither warrant suspension or debarment. This is especially true since Exhibit 5 identified the Tribe's Director or the Natural Resources Department as making decisions to use other EPA Grant funds (e.g., Clean water Act section 106 and 319 base and, separate, competitive funding) to knowingly pay the leave time of the employees he supervised inappropriately from the EPA 106 and 319 grants. See Exhibit 5 at 1 (corroborates grants cited), and 8 ("According to the tribe's Natural resources Department director, for [his] employees who work on multiple [EPA] grants, the amount of leave time [he] charged to a grant was based on a variety of factors, including budget . . .").

Moreover, Debarment Counsel inappropriately uses the EPA OIG Report as an Exhibit. See Exhibit 5 at 4 (“This report is intended solely for the use of the region . . . and the tribe’s corrective actions . . . , and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes. [signed] Robert K. Adachi, Director of Forensic Audits, November 10, 2011”). JOHNNY’s employment with the Tribe ended before Exhibit 5 was issued.

Because Debarment Counsel admits in this paragraph, the EPA OIG Report “is unclear how the conclusions in the report [Exhibit 5 as to questioned, not disallowed, labor costs] were reached,” JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are sufficient in and of themselves to not support suspension or debarment.

25. Because Debarment Counsel admits in paragraph 24, the EPA OIG Report “is unclear how the conclusions in the report [Exhibit 5 as to questioned, not disallowed, labor costs] were reached,” it is unclear how EPA Region 9 expects to act. JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are sufficient in and of themselves to not support suspension or debarment.

26. JOHNNY was not privy to any communications between WARNER BARLESE and the EPA Disputes Decision Official. JOHNNY notes, however, as set forth above, that by all appearances WARNER BARLESE did not write the April 30, 2012 (Exhibit 8) letter; that someone else, apparently, wrote the letter and, apparently, used his signature stamp.

JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are sufficient in and of themselves to not support suspension or debarment.

27. JOHNNY denies the statement of Debarment Counsel that “JOHNNY committed misconduct related to timesheets and recordkeeping resulting in noncompliance with 2 CFR Part 225, and denies the inference of Debarment Counsel, and an unprofessional, slanderous attack without supporting documentation, that JOHNNY’s alleged misconduct “was resolved with JOHNNY’s release from employment by the Tribe in July 2011.” See Exhibit O (letter of termination and letter of recommendation from Summit Lake Paiute Council Chairman Warner Barlese, dated June 29, 2011). As Exhibits E and F demonstrate, the timesheet and recordkeeping requirements of 2 CFR Part 225 were not important enough to: be discussed by EPA GAP Project Officers and Grant Management Specialists during quarterly RTOCs and other EPA GAP Grant Management trainings; and be listed on the EPA Region 9 Pilot Checklist for Tribes. As Exhibits I and J demonstrate, contrary to EPA OIG immediate enforcement action on 2 CFR Part 225 and Debarment Counsel’s decision to seek suspension and debarment for



unintentional violations of 2 CFR Part 225, other federal agencies that work with Tribes use education, training, and nearly two years time to allow Tribes to adjust their practice into compliance with the timesheet and recordkeeping requirements of 2 CFR Part 225.

Because Exhibit M proves Debarment Counsel's unprofessional, slanderous attack is not supported by evidence, and there is no evidence that JOHNNY intentionally or knowingly violated the timesheet and recordkeeping requirements of 2 CFR Part 225, JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are sufficient in and of themselves to not support suspension or debarment.

28. JOHNNY was not privy to any communications between WARNER BARLESE and the EPA Disputes Decision Official. JOHNNY notes, however, as set forth above, that by all appearances WARNER BARLESE did not write the April 30, 2012 (Exhibit 8) letter; that someone else, apparently, wrote the letter and, apparently, used his signature stamp. As well, the email in Exhibit 8 although using the Council Chairman's email address, does not bear any evidence that WARNER BARLESE actually sent the email; since WINN was copied on the email, apparently, only she can attest to who wrote and sent the email.

JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are sufficient in and of themselves to not support suspension or debarment.

#### **V. Statement of Authorities - Suspension**

29. JOHNNY respectfully disagrees with Debarment Counsel and denies that there is any evidence to support that the suspension of JOHNNY was warranted. Sufficient doubt has been cast on the truth of WINN's unsupported allegations against JOHNNY in Exhibit 1, and two motives for WINN making false and pure fiction allegations have been demonstrated. As Debarment Counsel admits, in paragraph 24, the EPA OIG Report "is unclear how the conclusions in the report [Exhibit 5 as to questioned, not disallowed, labor costs] were reached" and thus whether JOHNNY should be suspended and debarred for the \$96,615 in questioned labor costs. Additionally, JOHNNY has demonstrated by Exhibits E and F that EPA Region 9 Project Officers and Grant Management Specialists never trained or brought to the attention of, or directed JOHNNY or other Tribe Environmental Coordinators, to ensure that the Tribes were complying with 2 CFR Part 225. The contested labor cost estimates that JOHNNY presented to the Tribe's brand new GAP Grant Project Officer before she was transferred to another position, in and of themselves or together if Debarment Counsel's estimate of \$624.43 is correct (see paragraph 24 above), do not support suspension. EPA has other means to address an allegation of \$624.43 in disallowed labor costs, including a Nevada "placed-based" Project Officer,

waiver, education and training. JOHNNY has denied purchasing a shotgun let alone getting reimbursed by the Tribe for its purchase. JOHNNY has submitted Exhibit D casting serious doubt as the WINN's allegation in Exhibit 1 that JOHNNY purchased a shotgun and attempted to be reimbursed or was reimbursed for a shotgun's purchase. JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are sufficient in and of themselves to not support suspension.

#### **VI. Statement of Authorities - Debarment**

30. JOHNNY respectfully disagrees with Debarment Counsel and denies that there is any evidence to support that the debarment of JOHNNY is warranted. Sufficient doubt has been cast on the truth of WINN's unsupported allegations against JOHNNY in Exhibit 1, and two motives for WINN making false and pure fiction allegations have been demonstrated. As Debarment Counsel admits, in paragraph 24, the EPA OIG Report "is unclear how the conclusions in the report [Exhibit 5 as to questioned, not disallowed, labor costs] were reached" and thus whether JOHNNY should be suspended and debarred for the \$96,615 in questioned labor costs. Additionally, JOHNNY has demonstrated by Exhibits E and F that EPA Region 9 Project Officers and Grant Management Specialists never trained or brought to the attention of, or directed JOHNNY or other Tribe Environmental Coordinators, to ensure that the Tribes were complying with 2 CFR Part 225. The contested labor cost estimates that JOHNNY presented to the Tribe's brand new GAP Grant Project Officer before she was transferred to another position, in and of themselves or together if Debarment Counsel's estimate of \$624.43 is correct (see paragraph 24 above), do not support suspension. EPA has other means to address an allegation of \$624.43 in disallowed labor costs, including a Nevada "placed-based" Project Officer, waiver, education and training. JOHNNY has denied purchasing a shotgun let alone getting reimbursed by the Tribe for its purchase. JOHNNY has submitted Exhibit D casting serious doubt as the WINN's allegation in Exhibit 1 that JOHNNY purchased a shotgun and attempted to be reimbursed or was reimbursed for a shotgun's purchase. JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are sufficient in and of themselves to not support suspension or debarment.

#### **VII. Impact Analysis – Immediate Need**

31. JOHNNY respectfully disagrees with Debarment Counsel and denies that there is any evidence to support that immediate action to suspend or debar JOHNNY is warranted. Exhibits I and J infer that JOHNNY, as Tribal Administrator for another Tribe, immediately instituted the promise of the Tribe, nearly two years earlier, to implement the timesheet and recordkeeping requirements of 2 CFR Part 225. EPA can independently contact the author of the emails in Exhibit I and J. That other Tribe was quickly awarded its current Indirect Cost Rate upon JOHNNY answering a few questions and providing proof of the use of the said

timesheets and recordkeeping. Thus Exhibit I, J, and K demonstrate, and if available, the testimony of Cresencia-Marilyn P. Elgar, Indirect Cost services Auditor/Negotiator, Acquisition Services Directorate, U.S. Department of Interior, National Business Center (NBC), Sacramento, California, the evidence will prove that JOHNNY would not be a “participant” or “principal” within the meaning of 2 CFR sections 180.980, 180.995, and 1532.995. Sufficient doubt has been cast on the truth of WINN’s unsupported allegations against JOHNNY in Exhibit 1, and two motives for WINN making false and pure fiction allegations have been demonstrated. As Debarment Counsel admits, in paragraph 24, the EPA OIG Report “is unclear how the conclusions in the report [Exhibit 5 as to questioned, not disallowed, labor costs] were reached” and thus whether JOHNNY should be suspended and debarred for the \$96,615 in questioned labor costs. Additionally, JOHNNY has demonstrated by Exhibits E and F that EPA Region 9 Project Officers and Grant Management Specialists never trained or brought to the attention of, or directed JOHNNY or other Tribe Environmental Coordinators, to ensure that the Tribes were complying with 2 CFR Part 225. The contested labor cost estimates that JOHNNY presented to the Tribe’s brand new GAP Grant Project Officer before she was transferred to another position, in and of themselves or together if Debarment Counsel’s estimate of \$624.43 is correct (see paragraph 24 above), do not support suspension. EPA has other means to address an allegation of \$624.43 in disallowed labor costs, including a Nevada “placed-based” Project Officer, waiver, education and training. JOHNNY has denied purchasing a shotgun let alone seeking or getting reimbursed by the Tribe for its purchase. JOHNNY has submitted Exhibit D casting serious doubt as the WINN’s allegation in Exhibit 1 that JOHNNY purchased a shotgun and attempted to be reimbursed or was reimbursed for a shotgun’s purchase. JOHNNY requests the Hearing Officer terminate the suspension on this ground and declare that the allegations contained in this paragraph are sufficient in and of themselves to not support suspension or debarment.

### **VIII. Recommendations**

32. Upon the basis of the information now available in this case, the doubt cast on Exhibits 1 and 5, the case law cited by JOHNNY, and the Exhibits submitted by JOHNNY, while there may have been insufficient evidence, in a light most favorable to the Suspension and Debarment Official, to initially suspend JOHNNY, and there is insufficient evidence to support the suspension and debar JOHNNY for any period.

### **IX. Administrative Coordination**

33. JOHNNY disagrees that this case was investigated by EPA’s Office of Inspector General relative to Exhibit 1. Exhibit 1 demonstrates no investigation as to the allegations of wrongdoing by WINN against JOHNNY (and WARNER BARLESE). Exhibit 1 is only a list of allegations and statements. An investigation of the allegations in Exhibit 1 should have produced supporting

documentation for the allegations especially since WINN is the Finance Director of the Tribe and has control over all financial documents relative to the Tribe's EPA GAP Grants for the time period required by federal regulations.

34. JOHNNY denies the allegation in this paragraph since he has not information, knowledge or belief that the statement is true.

Respectfully submitted,

PII

Ron Johnny, Respondent

## Exhibits

- Exhibit A: Summit Lake Paiute Tribe Wage Rate Authorization for Ron Johnny, dated September 20, 2008, obtained from EPA OIG through Debarment Counsel.
- Exhibit B: Summit Lake Paiute Tribe Employee Action Notice for Ron Johnny, dated September 20, 2008, obtained from EPA OIG through Debarment Counsel.
- Exhibit C: Summit Lake Paiute Tribe Employee Action Notice for Ron Johnny, dated December 6, 2008, obtained from EPA OIG through Debarment Counsel.
- Exhibit D: Letter, Steve Hartstrom to Whom It May Concern, dated August 10, 2012.
- Exhibit E: Compact Disc, EPA Grants Management & Disadvantaged Business Enterprise Rule, National PETE (Partnership for Environmental Technology Education) Training for Tribal, U.S. Territories and Insular Areas Administrative and Financial Guidance for [EPA GAP] Assistance Agreements (Handout at March 30-31, 2011, National PETE Training, EPA Region 9 Headquarters, San Francisco, California).
- Exhibit F: Report (questions answered), EPA Region 9 Pilot – Checklist for Tribes – Review of Financial/Administrative Systems, Ron Johnny, Environmental Coordinator, Summit Lake Paiute Tribe, to Laura Mayo, Tribal EPA Project Officer, dated December 24, 2009, revised March 8, 2010 (report and required attachments (e.g., Example of Monthly Reconciliation, Examples of Electronic Books of Tribe's Accounting Software, Example of Tribe's Job Descriptions, Current Timesheet for Environmental Coordinator with Request for Leave Form attached, Example of Tribe's Travel Authorization Form and Travel Advance Request used by Environmental Coordinator with proper attachments) were Second Quarter "deliverables" for EPA GAP Grant Work Plan Component 1, Commitment 1.2, for FY (Fiscal Year) 2009-2010.
- Exhibit G: Budget Modifications for Tribe's FY 2005-2006, FY 2006-2007, and FY 2007-2008 EPA GAP Grant drafted by Ron Johnny, Environmental Coordinator, and either approved or not approved by Nevada "placed-based" EPA GAP Grant Project Officer on December 13, 2007.
- Exhibit H: Summit Lake Paiute Tribe Environmental Newsletter, First Quarter FY 2010-2011 (September-November 2010) EPA GAP Grant "deliverable".

- Exhibit I: Email, Cresencia-Marilyn P. Elgar, Indirect Cost Services Auditor/Negotiator, Acquisition Services Directorate, U.S. Department of Interior, National Business Center (NBC), Sacramento, California, to JOHNNY, dated Monday, May 14, 2012 2:16pm, discussing 2 CFR 225, Appendix B, Section 8.h(4) and (5) (at issue here).
- Exhibit J: Email, Cresencia-Marilyn P. Elgar, Indirect Cost services Auditor/Negotiator, Acquisition Services Directorate, U.S. Department of Interior, National Business Center (NBC), Sacramento, California, to JOHNNY, dated Monday, May 14, 2012 3:05pm, with example of 2 CFR 225, Appendix B, Section 8.h approved timesheet attachment.
- Exhibit K: Example, 2 CFR 225, Appendix B, Section 8.h approved timesheet for Ron Johnny, Summit Lake Paiute Tribe, Environmental Coordinator for Pay Period # 12 (April 23-May 6, 2011).
- Exhibit L: Email exchange, JOHNNY to WINN, regarding proper allocation of EPA GAP Grant "Communication" Funding, dated April 16, 2011, April 18, 2011 8:09am, April 18, 2011 8:16am, and June 20, 2011.
- Exhibit M: Letters of Termination and Recommendation, Warner Barlese, Chairman, Summit Lake Paiute Council, to To Whom It May Concern, dated June 29, 2011.
- Exhibit N: Email, Ron Johnny, Environmental Coordinator, to Jessica Knight and Lela Wong, EPA OIG, and Warner Barlese, Chairman, Summit Lake Paiute Council, dated Saturday, June 18, 2011 7:35am (explaining GAP Grant eligible activities while traveling to Washington, DC, U.S. Department of Justice funded conference) (additional email exchanges between parties also attached).
- Exhibit O: Budge Reconciliations by WINN for EPA GAP Grant IV, Year 2 (9-1-2010 to 8-31-2011) to JOHNNY, dated 3-16-2011.
- Exhibit P: Budge Reconciliations by WINN for EPA GAP Grant IV, Year 1 (9-1-2009 to 8-31-2010 (WINN typographical error states "to 8-31-2011")) to JOHNNY, dated 3-16-2011.
- Exhibit Q: Selection as Environmental Coordinator Letter, William Cowan, Natural Resources Department Director, to JOHNNY, dated September 6, 2007 (stating start date was September 10, 2007).

# Exhibit A



## Exhibit B

## Exhibit C

## Exhibit D

August 10, 2012

To Whom It May Concern,

Ron Johnny and I have been friends since 1974 when we were both State Traffic Officers for the California Highway Patrol stationed at the East Los Angeles area office in Montebello California.

Ron served in the United States Air Force as a Military Police Officer and was Honorable Discharged after his 4 years of service.

Ron left the Highway Patrol in 1977 to continue his college education at UC Berkley. Ron Graduated from UC Berkley and then attended Law School, graduating from the University of Denver with his Law Degree.

I transferred to another State law Enforcement Agency and retired after a 30 year career in Law Enforcement in 2004.

Ron and I have maintained our friendship for over the past 20 years when I moved back to northern California. We have socialized with each other, and attended social functions at each other's residence and at other locations. We talk on a regular basis on the telephone and correspond by email. Ron and I have hunted and fished together on numerous occasions. Because of our law enforcement background and hunting experiences we have talked about weapons we prefer, weapons we have purchased and sold.

Ron has explained to me and showed me the document among other things alleging Ron purchased some sort of shotgun in 2009 and sought reimbursement for that purchase.

During the past 20 years, Ron and I have discussed the types of rifles and pistols we have purchased. Ron has never mentioned that he purchased any type of shotgun in 2009 or any other year.

Since my retirement in 2004, I also worked as a Background Investigator for the Sacramento Police Department, conducting Police Officer applicant Background investigations as to their qualifications and moral character to become a Police Officer. In addition I am a part time Firearms Instructor for Yuba College in Marysville California. I also work as the retired Police Officer for the California State Bar Examination, Sacramento test site that is given twice a year. In that capacity I ensure and maintain the integrity and honesty of the California State Bar Exam test material.

Given my law enforcement background and experience without some form of proof of purchase, proof of reimbursement being sought, without a bill of sale, a federal firearms purchase document, or credit card receipt being attached for a reimbursement request, I do not believe the allegation against Ron as set forth in the document described above.

Please feel free to contact me for any further questions or clarifications regarding this matter.

Sincerely,

 PII

Steve Hartstrom

 PII

# SUMMIT LAKE PAIUTE TRIBE – EMPLOYEE ACTION NOTICE

(Copy Upon Each Different Entry to Personnel File, Payroll, and Employee)

EMPLOYEE: Ron Eagleye Johnny

SOCIAL SECURITY #: PII

MAILING ADDRESS: PII

DATE OF BIRTH: PII

TELEPHONE #: PII

JOB TITLE: Acting Administrator/CAE

DATE OF HIRE: PII

( ) EMPLOYMENT – Effective Date: \_\_\_\_\_

PROGRAM: \_\_\_\_\_

☐ TEMPORARY (SEASONAL) EMPLOYEE (6-12 mos)

☐ REGULAR (+180 days), FULL-TIME (40hrswk)

☐ APPOINTED EMPLOYEE, # \_\_\_\_\_ DAYS (max 30X3)

☐ PROBATIONARY, PART-TIME, HRS/WK: \_\_\_\_\_

☐ PROBATIONARY (180 days), FULL-TIME (40hrswk)

☐ REGULAR, PART-TIME, HRS/WK: \_\_\_\_\_

☐ FLSA EXEMPT/SALARY: \$ \_\_\_\_\_ BIWEEKLY

☐ FLSA NON-EXEMPT/HOURLY: \$ \_\_\_\_\_ HOUR

☐ OTHER \_\_\_\_\_

(X) SALARY AND OR STATUS CHANGE – Effective Date: December 6, 2008

SALARY CHANGE

☐ Non-Exempt Rate: From: \_\_\_\_\_ /HOUR To: \_\_\_\_\_ /HOUR

☒ Exempt Salary: From: \$1000.00 /BIWEEKLY To: \$800.00 /BIWEEKLY

☐ Suspended With Without Pay: From: \_\_\_\_\_ To: \_\_\_\_\_

☐ Leave With Without Pay: From: \_\_\_\_\_ To: \_\_\_\_\_

STATUS CHANGE

☐ Probationary Full-Time to Regular Full-Time

☐ Reclassification, Anniversary Date: \_\_\_\_\_

☐ Other Change: \_\_\_\_\_

DEPARTMENT/JOB TRANSFER: From: \_\_\_\_\_ To: \_\_\_\_\_

Original Date of Hire w/Continuous Service: \_\_\_\_\_

Transfer Leave Hours: Sick? ☐ Yes ☐ No Annual? ☐ Yes ☐ No

( ) SEPARATION FROM EMPLOYMENT – Effective Date: \_\_\_\_\_

☐ RESIGNATION

Notice Date: \_\_\_\_\_ Last Work Day: \_\_\_\_\_

☐ TERMINATION

☐ Disciplinary Cause ☐ End of Appointment ☐ Unavailable/Abandoned Job

☐ LAY OFF

☐ Program Reorganization ☐ Lack of Work ☐ Lack of Funds

☐ OTHER

☐ Death ☐ Disability

Comments: \_\_\_\_\_

Equipment Returned? ☐ Yes ☐ No

Financial Obligations? ☐ Yes ☐ No Amt: \_\_\_\_\_

Keys Returned? ☐ Yes ☐ No

Paid Annual Leave? ☐ Yes ☐ No Amt: \_\_\_\_\_

Final Timesheet? ☐ Yes ☐ No

Forwarding Address: \_\_\_\_\_

Dept Director Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Council Chairperson: \_\_\_\_\_

Date: 12/06/08

Chief Admin. Employee: \_\_\_\_\_

Date: 12/06/08

Employee Signature: \_\_\_\_\_

Date: 12/06/08

Data Entered by: \_\_\_\_\_

Date: 12/6/08

**SUMMIT LAKE PAIUTE TRIBE – EMPLOYEE ACTION NOTICE**  
(Copy Upon Each Different Entry to Personnel File, Payroll File, and Employee)

EMPLOYEE: Ron Eagleve Johnny

SOCIAL SECURITY #: PII

MAILING ADDRESS: PII

DATE OF BIRTH: PII

JOB TITLE: Acting Administrator/CAE

TELEPHONE #: PII

DATE OF HIRE: PII

( ) EMPLOYMENT – Effective Date: \_\_\_\_\_

PROGRAM: \_\_\_\_\_

☐ TEMPORARY (SEASONAL) EMPLOYEE (6-12 mos)

☐ REGULAR (+180 days), FULL-TIME (40hrswk)

☐ APPOINTED EMPLOYEE, # \_\_\_\_\_ DAYS (max 30X3)

☐ PROBATIONARY, PART-TIME, HRS/WK: \_\_\_\_\_

☐ PROBATIONARY (180 days), FULL-TIME (40hrswk)

☐ REGULAR, PART-TIME, HRS/WK: \_\_\_\_\_

☐ FLSA EXEMPT/SALARY: \$ \_\_\_\_\_ BIWEEKLY

☐ FLSA NON-EXEMPT/HOURLY: \$ \_\_\_\_\_ HOUR

☐ OTHER \_\_\_\_\_

(X) SALARY AND OR STATUS CHANGE – Effective Date: August 16, 2008

SALARY CHANGE

☐ Non-Exempt Rate: From: \_\_\_\_\_ /HOUR To: \_\_\_\_\_ /HOUR

☒ Exempt Salary: From: \$0.00 /BIWEEKLY To: \$1,250.00 /BIWEEKLY

☐ Suspended With Without Pay: From: \_\_\_\_\_ To: \$1,000.00 JLB wfs

☐ Leave With Without Pay: From: \_\_\_\_\_ To: \_\_\_\_\_

STATUS CHANGE

☐ Probationary Full-Time to Regular Full-Time

☐ Reclassification, Anniversary Date: \_\_\_\_\_

☐ Other Change: \_\_\_\_\_

DEPARTMENT/JOB TRANSFER: From: \_\_\_\_\_ To: \_\_\_\_\_

Original Date of Hire w/Continuous Service: \_\_\_\_\_

Transfer Leave Hours: Sick? ☐ Yes ☐ No Annual? ☐ Yes ☐ No

( ) SEPARATION FROM EMPLOYMENT – Effective Date: \_\_\_\_\_

☐ RESIGNATION

Notice Date: \_\_\_\_\_

Last Work Day: \_\_\_\_\_

☐ TERMINATION

☐ Disciplinary Cause

☐ End of Appointment

☐ Unavailable/Abandoned Job

☐ LAY OFF

☐ Program Reorganization

☐ Lack of Work

☐ Lack of Funds

☐ OTHER

☐ Death

☐ Disability

Comments: \_\_\_\_\_

Equipment Returned? ☐ Yes ☐ No

☐ Yes ☐ No

Financial Obligations? ☐ Yes ☐ No Amt: \_\_\_\_\_

☐ Yes ☐ No Amt: \_\_\_\_\_

Keys Returned? ☐ Yes ☐ No

☐ Yes ☐ No

Paid Annual Leave? ☐ Yes ☐ No Amt: \_\_\_\_\_

☐ Yes ☐ No Amt: \_\_\_\_\_

Final Timesheet? ☐ Yes ☐ No

☐ Yes ☐ No

Forwarding Address: \_\_\_\_\_

Dept Director Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Council Chairperson: PII

Date: 09-20-08

Chief Admin. Employee: PII

Date: 09-20-08

Employee Signature: PII

Date: 09-20-08

Data Entered by: \_\_\_\_\_

Date: \_\_\_\_\_



SUMMIT LAKE PAIUTE TRIBE  
1708 H Street  
Sparks, NV 89431  
(775) 827-9670 fax (775) 827-9678

Warner Barlese, Council Chairman  
Lorraine Watson, Vice-Chairperson  
Jerri Lynn Barlese, Secretary/Treasurer

Jesse Strout, Council Member  
Ernie Barlese, Council Member

WAGE RATE AUTHORIZATION

Date: 20 Sept 2008

To: Ron Eagleve Johnny

At the Summit Lake Paiute Council/Committee meeting held on the 20 day of September, 2008, the following action was taken with regard to your authorized wage:

You are hereby granted an overtime exempt salary from \$0.00 to \$1,250.00 biweekly as

Acting Administrator/CAE, 20 hours per week, retroactive to August 16, 2008

Tribal Official: [Redacted] PII

Date: 09-20-08

Tribal Official: [Redacted] PII

Date: 9-20-08

Tribal Official: [Redacted] PII

Date: 9-20-08

xc: Finance

Personnel File of Ron Eagleve Johnny

## Exhibit F

# SUMMIT LAKE PAIUTE TRIBE

## Report

To: Laura Mayo, Tribal EPA Project Officer

From: Ron Johnny, Environmental Coordinator

Subj: Report required by GAP Grant, Work Plan Component 1, Commitment 1.2, FY 2009-10

Date: December 24, 2009 Rev. March 8, 2010

The Region 9 Pilot – Checklist for Tribes – Review of Financial/Administrative Systems (“Review Checklist”) document you emailed me could not be converted by the software the Summit Lake Paiute Tribe (“Tribe”) uses (i.e., Microsoft Word Suite) so, in accordance with the directive in the original form to “(Customize – as needed),” I have recreate it for the purposes of this Report.

Item	Yes	No	Guidance	Comment
<b>FILES and RECORDS</b>				
Do you keep a copy of or know where to find the current EPA grant regulations and OMB circulars?	X		-40 Code of Federal Regulations (CFR)-current year; -Office of Management and Budget (OMB) Circular A-87 (amended 8/29/97)  Internet <a href="http://www.epa.gov/ogd">http://www.epa.gov/ogd</a>	A copy of 40 CFR (2004) is kept in the Environmental Coordinator's Office in Sparks. Both the Environmental Coordinator and Tribal Accountant have access to the most current version of 40 CFR via the Internet at <a href="http://www.epa.gov/epahome/cfr40.htm">http://www.epa.gov/epahome/cfr40.htm</a> so as to minimize the use of paper products. OMB Circular A-87 is now 2 CFR Part 215 and both the Environmental Coordinator and Tribal Accountant have access to the most current version of 2 CFR Part 215 via the Internet at <a href="http://www.access.gpo.gov/nara/cfr/waisidx_05/2cfrv1_05.html">http://www.access.gpo.gov/nara/cfr/waisidx_05/2cfrv1_05.html</a> .
Who in your office keeps copies of: - Grant application (SF-424A form) (including work plan)	X			The Tribal Accountant and the Environmental Coordinator.
- Grant award (SF-5700-20A form) and	X			The Tribal Accountant and the Environmental Coordinator.

amendments				The Tribal Accountant and the Environmental Coordinator.
- Rebudget requests	X			The Environmental Coordinator.
- Workplan progress reports	X			The Tribal Accountant and the Environmental Coordinator.
- Payment requests	X			The Tribal Accountant and the Environmental Coordinator.
- Financial Status reports (SF-269A form)	X			Tribal Accountant.
- Contracts under grants	X			While there are currently no such contracts, the Tribal Accountant, Tribal Administrator and the Environmental Coordinator.
- Indirect cost rate agreement	X	X		For the first four months of this GAP Grant, the Tribe had an indirect cost rate for FY 2009. The Tribe does not yet have an Indirect Cost Rate agreement for the 2010 Fiscal Year, however, it is being worked on.
Do you have written procedures for how long you retain grant records and documents?			40 CFR – Part 31.42 – Retention and Access requirements for records - 31.42(a) - 31.42(b) and (c)	Yes, the Tribe's Records Management Manual (1993) contains these provisions. - Grant documents, contracts, etc. (see Retention Schedule following page 17 @ page 5, section 4 (Federal Agencies) (amended November 3, 2007 by Council Resolution SL-21-2007 (appended)). - Seven (7) years (see same as above)
- Types of records to be kept	X			
- Length of time	X			
<u>ACCOUNTING</u>			40 CFR – Part 31.20(b) – Standards for Financial Management Systems	Examples of the electronic books the Tribe's accounting software can generate are attached. See attached.
Do you keep the basic books of accounts (electronic or otherwise)?				
- General ledger	X			Yes, see attached.

<ul style="list-style-type: none"> <li>- Cash receipts journal</li> <li>- Cash disbursement journal</li> <li>- Payroll journal</li> <li>- Income journal</li> <li>- Purchase journal</li> <li>- General journal</li> </ul>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>			<p>Yes, see attached</p> <p>Yes, see attached.</p> <p>Yes, see attached.</p> <p>Yes, see attached.</p> <p>Yes, see attached.</p> <p>No. The accounting software produces a "General ledger" rather than a "General journal".</p>
<p>Does your accounting system provide for tracking and recording non-federal share (match) costs?</p> <p>- How are costs identified?</p> <p>- How are they charged to the grant?</p> <p>- Who keeps the source documents for the match costs?</p>	<p>X</p> <p>X</p> <p>X</p>		<p>40 CFR – Part 31.24 – Matching or Cost sharing</p>	<p>In grant application subject to 40 CFR 31.24 and SLPT Financial Management System Manual, page 21 (amended November 3, 2007 by Council Resolution SL-23-2007 (appended)).</p> <p>In accordance with 40 CFR 31.24 and SLPT Financial Management System Manual, page 21 (see above).</p> <p>The Department Director or delegate writing the grant and maintaining the program files, and the Tribal Accountant who maintains the grant's financial files.</p>
<p>Do you have written accounting procedures?</p> <ul style="list-style-type: none"> <li>- Accounting records</li> <li>- Internal Control</li> <li>- Budget control</li> <li>- Cash management</li> </ul>	<p>X</p> <p>X</p> <p>X</p> <p>X</p>		<p>40 CFR – Part 31.20(b) – Standards of Financial Management Systems</p> <ul style="list-style-type: none"> <li>- 31.20(b)(2)</li> <li>- 31.20(b)(3)</li> <li>- 31.20(b)(4)</li> <li>- 31.20(b)(7)</li> <li>- 31.20(b)(5) and also OMB Circular A-87</li> <li>- 31.20(b)(6) and also OMB A-</li> </ul>	<p>The Tribe's Financial Management System Manual (appended):</p> <p>Page 2</p> <p>Page 1</p> <p>Page 18-19</p> <p>Page 12-13</p>

- Allowable cost	X		87 – Attachment B #11 (personnel records)	Page 20-21
- Source documentation	X			Page 21
<u>ACCOUNTING (cont'd)</u> Do you track the budgeted grant expenses versus the actual grant expenses?			40 CFR – Part 31.20(b)(4) Budget Control	In the Tribe's Financial Management System Manual, General Ledger section (Page 14 (appended)), the reconciliation is on a monthly basis by the Tribal Accountant. A copy of an example of a monthly reconciliation is electronically attached to the email sending this Report. See attached.
- How?	X			
- How often?	X			
- Who does it?	X			
- Provide a sample of your tracking document.	X			
Is your organization [Tribe] subject to the single audit requirement?			OMB Circular A-133 - Organizations that spend more than \$300,000 (\$500,000 for fiscal years ending after December 31, 2003) of federal funds in one year.	The 2008 Audit has been completed and on February 3, 2010, it was submitted to the Clearinghouse because the Tribe spent more than \$500,000.
- If yes, when was the last audit performed?	X			Per the Tribe's Financial Management System Manual, Cost Allocation section (Page 20 (appended)), yearly when budget established.
- If yes, how do you calculate the amount of costs charged to the grants?	X		- OMB Circular A-87, Attachment B - #5 (Audit Services)	
<u>PERSONNEL</u> Do you have written personnel procedures and/or a policy?			- OMB Circular A-87 - Attachment A, C (Basic Guidelines) - Attachment B #11 (Compensation for Personnel Services)	The Tribe's Personnel Manual (appended (as amended: May 17, 2008 by Council Resolution SL-25-2008; June 21, 2008 by Council Resolution SL-31-2008; and, December 20, 2008 by Council Resolution SL-47-2008)) contains all but personnel salary ranges. The Summit Lake Paiute Council rejected adopting a Salary Range.
- Personnel salary ranges		X		These are contained in Job Description but grant controls any inconsistencies.
- Personal position duties/responsibilities	X			
- Holiday/vacation/sick/other leave	X			Page 13-14 (see Personnel Manual (appended))
- Fringe benefits	X			Page 15 (see Personnel Manual (appended))

Do staff working part-time or full-time on EPA grants or other activities have time sheets?	X	OMB Circular A-87, Attachment B #11 (Compensation for Personnel Costs)	Yes. The attached Time Sheet for the Environmental Coordinator is 100% GAP paid so a breakdown of other grants contributing to salary paid is not needed for this position. For Workers Compensation Insurance payment purposes there is usually a notation on the Time Sheet in the last right column of an "F" for Field Work (a higher rate of insurance) or "O" for Office (a lower rate of insurance).
- Provide copy of signed time sheet.	X		
<u>TRAVEL</u> Do you have written travel procedures or policies?	X	40 CFR, Part 31.20(a)(2), (5) and (6) – Standards for Financial Management, Accounting records, Allowable cost, source documentation - see also OMB Circular A-87, Attachment B #41 (Travel Costs)	The Tribe's Travel Policy (appended (as amended: May 17, 2008 by Council Resolution SL-23-2008 (adopted lost lodging receipt policy); and, November 3, 2007 by Council Resolution SL-22-2007 (adopted per diem and personal automobile mileage rate provisions)) complies with 40 CFR in every aspect.
- Actual or per diem costs	X		Page 1-2, Travel Policy (see also Council Resolution SL-22-2007).
- Established mileage rates	X		Page 2, Travel Policy (see also Council Resolution SL-22-2007).
- Travel requests/authorization/approval requirements	X		Page 1, Travel Policy.
- How travel is charged to proper activities?	X		When a travel authorization is sought, the traveler must identify to source of funding for lodging, per diem, etc. See Sample Travel Authorization/Travel Advance Request Form (attached). This Tribe is not only small in number of enrolled members but in employees and officials thus unlike tribes that have a large number of employees errors in allocation of funding are unlikely.
<u>EQUIPMENT</u> Do you maintain written records for all property/equipment purchased under grants?		40 CFR – Part 31.32(c), (d) – Equipment – Management Requirements	The Tribe's Procurement Procedure Manual (amended November 3, 2007 by Council Resolution SL-24-2007 (appended)) addresses:
- description	X		Page 5, Procurement Procedure Manual.
	X		Page 5, Procurement Procedure Manual.

- serial number	X		Page 5, Procurement Procedure Manual.
- source of property	X		Page 5, Procurement Procedure Manual.
- location of property	X		Page 5, Procurement Procedure Manual.
- title	X		Page 5, Procurement Procedure Manual.
- purchase date	X		Page 5, Procurement Procedure Manual.
- cost (federal and non-federal)	X		Page 5, Procurement Procedure Manual.
- condition	X		Page 5, Procurement Procedure Manual.
- disposition date-requirements	X		Page 5, Procurement Procedure Manual.
<u>INVENTORY</u> Do you conduct an inventory of all property/equipment every two years?	X		It is required. See Page 5, Procurement Procedure Manual (amended November 3, 2007 by Council Resolution SL-24-2007) (appended)).
<u>PROCUREMENT</u> (Contracts for services or equipment, purchases of equipment/supplies)			
Do you have written procurement procedures?	X		Yes. See generally Procurement Procedure Manual.
- written code of standards for your employees who award or administer contracts/purchases, etc.	X		Page 6, Procurement Procedure Manual.
- review process to avoid duplicative/unnecessary purchases	X		Page 3, Procurement Procedure Manual.
- lease v. purchase alternatives	X		Page 3, Procurement Procedure Manual.
- system for settling contract issues	X		Page 6, Procurement Procedure Manual.



<p>- maintain history of procurement including:</p> <p>* reason for method of procurement</p> <p>* selection of contract type</p> <p>* reason for selection/rejection of contractor</p> <p>* basis for contract price, etc.</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>		<p>Yes. See generally Procurement Procedure Manual.</p> <p>Page 7, Procurement Procedure Manual.</p> <p>Page 7, Procurement Procedure Manual.</p> <p>Page 7, Procurement Procedure Manual.</p> <p>Page 7, Procurement Procedure Manual.</p>
<p>Do you have written selection procedures for all procurements:</p> <p>- full and open competition</p>	<p>X</p>	<p>- 31.36(c)(1) – competition</p> <p>- 31.36(c)(3) – written selection procedures</p>	<p>Yes, Page 4, Procurement Procedure Manual. The Tribe's Procurement Procedure Manual (amended November 3, 2007 by Council Resolution SL-24-2007) (appended)) also utilizes "Indian preference" as permitted to by tribal sovereignty and other federal laws. See Page 1; see also Policy History Note.</p>
<p><u>PROCUREMENT (cont'd)</u></p> <p>Do you have written procedures and dollar thresholds for using/choosing the following methods of procurement?</p>			<p>The Tribe's Procurement Procedure Manual (1987, (amended November 3, 2007 by Council Resolution SL-24-2007) (appended)) has the following provisions:</p> <p>Yes.</p>
<p>1) Small purchases</p>	<p>X</p>	<p>- 31.36(d)(1) – small purchase – less than \$100,000</p>	<p>Page 1-2 ("Items purchased under \$300.00 in cost may be purchased without bids having been received").</p>
<p>2) Sealed bids</p>	<p>X</p>	<p>- 31.36(d)(1) – formal advertising – preferred for construction</p> <p>- 31.36(d)(1) – when sealed bids are not appropriate; price and other factors can be considered</p> <p>- 31.36(d)(4) – use only when award is infeasible under above</p> <p><u>AND one of the following apply:</u></p> <p>- item available from only a single source;</p> <p>- public emergency will not</p>	<p>Page 1 (sealed, formal bids only required when item(s) to be purchased are more than \$1,000.00 but less than \$10,000.00).</p> <p>Page 4.</p>
<p>3) Competitive proposals</p>	<p>X</p>		

4) Noncompetitive proposals – sole source	X		permit delay resulting from competitive solicitation - awarding agency authorizes noncompetitive proposals OR - after solicitation from number of sources, competition is inadequate	Page 4.
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/rej cc: File, Tribal Accountant

**EXAMPLE OF  
MONTHLY RECONCILIATION  
(required by 40 CFR Part 31.20(b)(4))**

Summit Lake Paiute Tribe  
Standard General Ledger  
From 3/1/2010 Through 3/31/2010

Account Code	Effective ...	Name	Document Number	Debit	Credit	Transaction Description
87						
7000	3/3/2010	RONALD E. JOHNNY	Opening Balance 19032	6,386.00		Employee: JOHNNRO; Pay Date: 3/3/2010
				2,060.00		
Balance 7000			Transaction Total	2,060.00	0.00	
				8,446.00		
7220	3/3/2010	RONALD E. JOHNNY	Opening Balance 19032	488.53		Employee: JOHNNRO; Pay Date: 3/3/2010
				157.59		
Balance 7220			Transaction Total	157.59	0.00	
				646.12		
Balance 87				9,092.12		
Report Opening/Current Balance				6,874.53	0.00	
Report Transaction Totals				2,217.59	0.00	
Report Current Balances				9,092.12	0.00	
Report Difference				9,092.12		

Example of Electronic Books the Tribe's  
accounting software can generate:

General ledger  
Cash receipts journal  
Cash disbursement journal  
Payroll journal  
Income journal  
Purchase journal

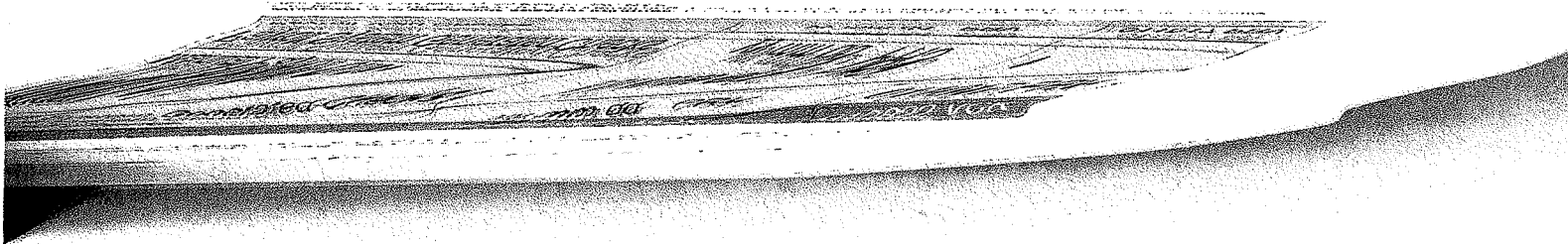
**NOTICE:**

The Tribe's software does not produce a  
"General journal" it produces a  
"General ledger"

## Session Identification Scheme

Session Type	Identification	Example
A/P Manual Checks	yy mm dd APC	010415 APC
A/P Invoices	yy mm dd API	010524 API
A/P Credit Memos	yy mm dd APM	010721 APM
A/P System Generated Checks	yy mm dd APS	011230 APS
A/P Void Checks	yy mm dd APV	010115 APV
A/R Bills	yy mm ARB	0104 ARB
A/R Receipts	yy mm dd ARC	011025 ARC
A/R Credit Memos	yy mm dd ARM	010421 ARM
A/R System Generated Bills	yy mm ARS	0105 ARS
Cash Disbursements	yy mm dd CD	011126 CD
System Generated ("Write") Checks	yy mm dd CDS	010723 CDS
Cash Receipts	yy mm dd CR	010301 CR
Write Receipts	yy mm dd CRS	010301 CRS
Encumbrances	yy mm dd ENC	010430 ENC
Encumbrance Liquidations	yy mm dd ENL	010625 ENL
Journal Vouchers	yy mm JV	0106 JV
Journal Voucher Allocations Mgmt	yy mm dd JVA	010731 JVA
Journal Voucher Depreciation	yy mm JVD	0107 JVD
Manual Payroll Checks	yy mm dd PRC	010821 PRC
Payroll System Generated Checks	yy mm dd PRS	010715 PRS
Payroll Void Checks	yy mm dd PRV	011017 PRV
Void Checks	yy mm dd VCK	010822 VCK

Wherever and whenever session information is displayed or included in a report, that information usually can be sorted by session ID. By identifying a session with year/month/day and session type, session information is listed in chronological order.



Summit Lake Paiute Tribe  
Standard General Ledger  
From 3/1/2010 Through 3/31/2010

Account Code	Effective ...	Name	Document Number	Debit	Credit	Transaction Description
87						
7000	3/3/2010	RONALD E. JOHNNY	Opening Balance 19032	6,386.00		Employee: JOHNNY; Pay Date: 3/3/2010
				2,060.00		
Balance 7000			Transaction Total	2,060.00	0.00	
				8,446.00		
7220	3/3/2010	RONALD E. JOHNNY	Opening Balance 19032	488.53		Employee: JOHNNY; Pay Date: 3/3/2010
				157.59		
Balance 7220			Transaction Total	157.59	0.00	
				646.12		
Balance 87				9,092.12		
Report Opening/Current Balance				6,874.53	0.00	
Report Transaction Totals				2,217.59	0.00	
Report Current Balances				9,092.12	0.00	
Report Difference				9,092.12		

**Summit Lake Paiute Tribe**  
**Revenue Journal**  
 From 9/1/2009 Through 12/31/2009

*Cash Receipts Journal*

Effective Date	Fund Code	GL Code	Doc. No.	Description	GL Revenues
10/8/2009	87	4000	PR#53 GAPIV	EPA PAYMENT REQUEST #53	7,256.00
Total 10/8/2009					7,256.00
11/18/2009	87	4000	PR#54 GAP IV	EPA PAYMENT REQUEST #54 GA...	9,569.00
Total 11/18/2009					9,569.00
12/29/2009	87	4000	PR#56 GAP IV	PAYMENT REQUEST #56 GAP IV ...	15,366.00
Total 12/29/2009					15,366.00
Report Total					32,191.00



**Summit Lake Paiute Tribe**

Expanded General Ledger

**8200 - Communications**

From 10/1/2009 Through 12/31/2009

*Cash Disbursements Journal*

Effective Date	F... C...	Name	Description	Debit	Credit	Session ID
11/6/2009	87	GO DADDY.COM	Opening Balance	0.00		
			Debit pymt GO DADDY ...	212.40		CD 11062009
			Transaction Total	212.40	0.00	
	B... 87			212.40		
			Balance 8200 - Communications	212.40		
Report Opening/Current Balance				0.00	0.00	
Report Transaction Totals				3,681.04	3,681.04	
Report Current Balances				3,681.04	3,681.04	
Report Difference				0.00		

**Summit Lake Paiute Tribe**

**Earnings History**

From 1/1/2010 Through 3/31/2010

*Payroll Journal*

Employee ID	Earning Code	Earning Title	Rate Multiplier	PTD Hours	PTD Amount	QTD Hours	QTD Amount	YTD Hours	YTD Amount
WINNFR	WAGE...	Hourly Wages	0.0000	80.00	2,000.00	80.00	2,000.00	80.00	2,000.00
WINNFR	WAGE...	Hourly Wages	0.0000	80.00	2,000.00	80.00	2,000.00	80.00	2,000.00
WINNFR	WAGE...	Hourly Wages	0.0000	8.00	200.00	8.00	200.00	8.00	200.00
WINNFR	WAGE...	Hourly Wages	0.0000	80.00	2,000.00	80.00	2,000.00	80.00	2,000.00
WINNFR	WAGE...	Hourly Wages	0.0000	80.00	2,000.00	80.00	2,000.00	80.00	2,000.00
Total				328.00	8,200.00	328.00	8,200.00	328.00	8,200.00
WINNFR									
Report Total				328.00	8,200.00	328.00	8,200.00	328.00	8,200.00

# Summit Lake Paiute Tribe

Revenue Journal

87 - EPA GAP IV G#00T19201 9/1/2009-8/31/2010

From 1/1/2009 Through 12/31/2009

*Income Journal*

GL Code	Effective Date	Doc. No.	ID	Description	Dept Code	GL Revenues
4000	10/8/2009	PR#53 GAP IV	EPA	EPA PAYMENT REQUEST #53	10	7,256.00
4000	11/18/2009	PR#54 GAP IV	EPA	EPA PAYMENT REQUEST #54 GA...	10	9,569.00
4000	12/29/2009	PR#56 GAP IV	EPA	PAYMENT REQUEST #56 GAP IV ...	10	15,366.00
Total 4000						32,191.00
Total 87 - EPA GAP IV G#00T19201 9/1/2009-8/31/2010						32,191.00
Report Total						32,191.00

# Summit Lake Paiute Tribe

Summary A/P Ledger

From 1/1/2010 Through 12/31/2010

*Purchases Journal*

Vendor ID	Vendor Name	Invoice No.	Invoice Date	Beginning Balance	Current Balance	Net Change
BOARD	BOARD OF REGENTS	38590	8/23/2009	360.00	360.00	0.00
	BOARD OF REGENTS	38687	8/23/2009	1,512.00	1,512.00	0.00
	BOARD OF REGENTS	38833	8/23/2009	189.00	189.00	0.00
	BOARD OF REGENTS	38834	8/23/2009	1,323.00	1,323.00	0.00
	BOARD OF REGENTS	40623	12/29/2009	360.00	360.00	0.00
	BOARD OF REGENTS	40624	12/29/2009	579.00	579.00	0.00
	BOARD OF REGENTS	40625	12/29/2009	945.00	945.00	0.00
	BOARD OF REGENTS	40626	12/29/2009	72.00	72.00	0.00
	BOARD OF REGENTS	40627	12/29/2009	1,592.00	1,592.00	0.00
	BOARD OF REGENTS	40628	12/29/2009	72.00	72.00	0.00
Total BOARD	BOARD OF REGENTS			7,004.00	7,004.00	0.00
Report Balance				7,004.00	7,004.00	0.00

**Example Job Description with  
position duties/responsibilities**

**SUMMIT LAKE PAIUTE TRIBE**

1708 H Street

Sparks, Nevada 89431

TELEPHONE: (775) 827-9670 FAX: (775) 827-9678

Website: [www.summitlaketribe.org](http://www.summitlaketribe.org)

**JOB ANNOUNCEMENT  
CREEL CENSUS TAKER**

**Rate of Pay:** \$8.50 - \$10.00 per hour

**Benefits:** None

**Opening Date:** 2/22/2010

**Closing Date – Tribal Member Preference:** 3/8/2010 @ 4:00 pm

**Duration of Employment:** Temporary, seasonal, not to exceed 360 hours (~ 2 months). Employee is expected to work full time 40 hour weeks. *March - May*

**Duty Station:** Summit Lake Indian Reservation, Humboldt County, Nevada

**JOB SUMMARY:** Incumbent shall assist the natural resource department staff in conducting various management and procedures of the fishery program. Specific duties shall include, but are not limited to, the following types of work:

1. Monitor fish harvest and issues transportation permits.
2. Operate and maintain fish trap facilities.
3. Assist with counting fish run and fish harvested.
4. Assist with the collection and recording of data as directed.
5. Prepares reports.

**MINIMUM QUALIFICATIONS:**

1. Must possess a high school diploma or G.E.D. equivalent.
2. Incumbent must be able to live and work as a team member in a remote area for an extended time, under primitive conditions and inclement weather.
3. Weekend work is required.
4. Applicant must be able to understand and follow written and verbal instructions, work at own initiative, possess communication skills, maintain composure under stressful situations, and be in good physical condition.

**To Whom Position Reports:** Natural Resource Director or delegate.

**Driver's License:** Must possess a valid driver's license and be insurable by Tribe's insurance company.

**Travel Requirements:** Travel to and from the Reservation is the employee's responsibility.

**Overtime Status:** Non-exempt

**Conditions of Employment:** Employee must furnish own transportation to and from the work place on the Reservation. Primitive and rustic housing on the Reservation is provided.

**Job Applications may be obtained by contacting the Tribal office or from the tribal website cited in header of this announcement.**

**TRIBAL MEMBER AND INDIAN PREFERENCE:** Summit Lake Paiute Tribe is a Tribal member and Indian preference employer, in accordance with Section 7(b)(c) of Public Law 93-638, the Indian Self-Determination Act. However, in all other instances the Tribe complies with Title VII of the Civil Rights Act of 1964 and does not discriminate on the basis of age, race, creed, sex, sexual orientation, religion or national origin.

**Current Time Sheet for  
Environmental Coordinator**

**FY10 SUMMIT LAKE PAIUTE TRIBE EMPLOYEE TIME REPORTING WORKSHEET**

Organization or Department  
Name:

Environmental Protection Department

Pay Period: 02

Name: Ron Johnny

From: 1/2/10

Supervisor Signature:

Employee Signature:

Through: 1/15/10

PAY CODE	WEEK 1							WEEK 2							WEEK TOTAL	FUND NUMBER AND TITLE		
	SAT 1/2	SUN 1/3	MON 1/4	TUE 1/5	WED 1/6	THU 1/7	FRI 1/8	WEEK TOTAL	SAT 1/9	SUN 1/10	MON 1/11	TUE 1/12	WED 1/13	THU 1/14			FRI 1/15	
010 Regular time			8.00	8.00	8.00	12.00	4.00	40.00				8.00	8.00	8.00	8.00	32.00	72.00	06AP11
020 Annual leave used								0.00			8.00					8.00	8.00	0
								0.00								0.00	0.00	
								0.00								0.00	0.00	
								0.00								0.00	0.00	
								0.00								0.00	0.00	
								0.00								0.00	0.00	
								0.00								0.00	0.00	
								0.00								0.00	0.00	
								0.00								0.00	0.00	
								0.00								0.00	0.00	
<b>Total Hours</b>	0.00	0.00	8.00	8.00	8.00	12.00	4.00	40.00	0.00	0.00	8.00	8.00	8.00	8.00	8.00	40.00	80.00	
<b>DATE</b>	1/2	1/3	1/4	1/5	1/6	1/7	1/8	Time	1/9	1/10	1/11	1/12	1/13	1/14	1/15	Time	Notes	
Record								From								From		
Leave								To								To		
Record								From								From		
Comp Time Earned								To								To		
Record								From								From		
Overtime								To								To		
INITIALS																		

Finance Comments:

OK# 18945 \$1,714.47 1/20/2010

DD# 03 2/19/2010



# REQUEST FOR LEAVE

RON JOHNNY

PROGRAM:

GAB 87

## ANNUAL (VACATION) LEAVE

FROM: 1/11 20 10 TIME: 8:00 AM TO: 1/11 20 10 TIME: 4:00 PM TOTAL: 8  
 FROM: 20 TIME: TO: 20 TIME: TOTAL:  
 FROM: 20 TIME: TO: 20 TIME: TOTAL:  
 FROM: 20 TIME: TO: 20 TIME: TOTAL:

## COMPENSATORY TIME OFF

FROM: 20 TIME: TO: 20 TIME: TOTAL:  
 FROM: 20 TIME: TO: 20 TIME: TOTAL:  
 FROM: 20 TIME: TO: 20 TIME: TOTAL:

## SICK LEAVE

FROM: 20 TIME: TO: 20 TIME: TOTAL:  
 FROM: 20 TIME: TO: 20 TIME: TOTAL:  
 FROM: 20 TIME: TO: 20 TIME: TOTAL:

## OTHER LEAVE

FROM: 20 TIME: TO: 20 TIME: TOTAL:

PURPOSE OF LEAVE:

FROM: 20 TIME: TO: 20 TIME: TOTAL:

PURPOSE OF LEAVE:

REMARKS:

Employee Signature

Date

Approving Officer Signature

Date

**Example**  
**Travel Authorization/  
Travel Advance Request Form**

Summit Lake Paiute Tribe  
**Travel Authorization Form**

I. Name of Traveler: Ronald E. Johnny Title: Environmental Coordinator  
II. Destination: Susanville, California Program: GAP  
III. Purpose of Travel: Attend Regional Tribal Operations Caucus (RTOC), February 2-4, 2010

Departure Date: 02.01.10 Time: 2:00PM Arrival: 4:00PM Time: 2 hours  
Return Date: 02.04.10 Time: 1:00PM Arrival: 3:00PM Time: 2 hours

Mode of Travel (Check appropriate space.)

Air:        Tribal:        Private:        (If Private used, answer question below)  
Rental:        GSA: X

Explain why Tribal/GSA Vehicle not available: \_\_\_\_\_

IV. Will Travel Advance Be Requested For:

A. Per Diem Items	Yes or No	Acct Code(s)
Lodging:	<u>Yes</u>	<u>87-8710</u>
Meals&IE:	<u>Yes</u>	<u>87-8710</u>
Mileage:	<u>No</u>	<u>-</u>
Taxi:	<u>No</u>	<u>-</u>
Parking:	<u>No</u>	<u>-</u>
Bridge tolls:	<u>No</u>	<u>-</u>
Airfare:	<u>No</u>	<u>-</u>
Registration Fee:	<u>No</u>	<u>-</u>

V. Budget Certification

As the Department Director, I certify that there are sufficient funds in the above identified Account Codes to cover the above described travel costs.

[Redacted Signature] 01.20.10  
Ron Johnny, Department Director Date

VI. Travel Authorization

As the Council Secretary-Treasurer/Vice-Chairman, I authorize the above described travel.

[Redacted Signature] 01.20.10  
Secretary-Treasurer Date

VII. Certification

I hereby certify that I will upon completion of authorized travel status submit a Travel Expense Statement along with required documentation (e.g., Trip Report, etc.) within five (5) calendar days after completion of travel. Furthermore should I fail to submit the necessary forms the advance received will be deducted from my next regular payroll check.

[Redacted Signature] 01.20.10  
Signature of Traveler Date

### ***Travel Advance Request***

III. Purpose of Travel: Attend Regional Tribal Operations Caucus, Feb 2-4, 2010

Return Date: 02.04.10 Time: 1:00PM Arrival: 3:00PM Time: 2 hours

Mode of Travel (Check appropriate space.)

Air: \_\_\_\_\_ Tribal: \_\_\_\_\_ Private: \_\_\_\_\_ (If Private used, answer question below)

Rental: \_\_\_\_\_ GSA:   X  

**Explain why Tribal or GSA Vehicle is unavailable:**\_\_\_\_\_

**IV. Advance Requested:**

#### A. Per Diem Rate

Bridge tolls:	<u>\$0.00</u>	\$0.00
---------------	---------------	--------

Make Check Payable To: Ron Johnny amount \$298.00 Acct Code 87-

**B. Commercial Airfare:**

Acct Code \_\_\_\_\_

**C. Lodging:**

Make Check Payable To: \_\_\_\_\_ amount \$0.00 Acct Code \_\_\_\_\_

#### D. Registration:

Make Check Payable To: \_\_\_\_\_ amount \$0.00 Acct Code \_\_\_\_\_

**TOTAL \$298.00**

## V. Certification

I hereby certify that I will upon completion of authorized travel status submit a Travel Expense Statement along with required documentation within five (5) calendar days after completion of travel. Furthermore should I fail to submit the necessary forms the advance received will be deducted from my next regular payroll check or stipend.

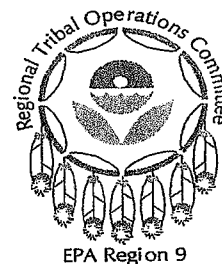
Signature of Traveler

**Secretary/Treasurer or Vice-Chair**



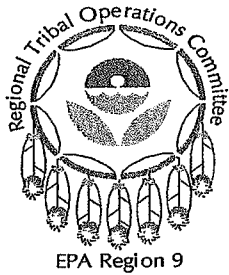
## **RTOC TRIBAL CAUCUS MEETING**

**Tuesday, February 2, 2010  
Susanville Indian Rancheria  
Diamond Mountain Casino Hotel  
900 Skyline Drive  
Susanville, CA. 96130**



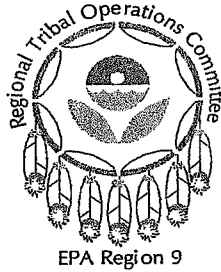
### **Tribal Caucus:**

<b>9:00-9:05 AM</b>	<b>Opening Prayer - Mr. Gordon Crutcher, Spiritual Elder</b>
<b>9:05-9:20 AM</b>	<b>Welcome/ Opening Remarks - Mr. Stacy Dixon, Susanville Indian Rancheria Tribal Chairman</b>
<b>9:20-9:40 AM</b>	<b>Meeting Structure/Introductions/Co-Chair Report</b> Cornelius Antone, RTOC Tribal Co-Chair
<b>9:40-11:00 AM</b>	<b>Arizona Tribal Environmental Manager's Report</b> AZ RTOC Delegate <b>Navajo Nation Environmental Manager's Report</b> NN RTOC Delegate <b>California Tribal Environmental Manager's Report</b> Central CA RTOC Delegate Northern CA RTOC Delegate Eastern CA RTOC Delegate Southern CA RTOC Delegate <b>Nevada Tribal Environmental Manager's Report</b> Nevada RTOC Delegate
<b>11:00 - 11:15 AM</b>	<b>-BREAK-</b>
<b>11:15 - Noon</b>	<b>National Tribal Operations Committee (NTOC) Report</b> Erica Helms Schenk (Soboba, CA), Marie Barry (Washoe Tribe, NV), Stephen Etsitty (NN), Clay Bravo (Hualapai Tribe, AZ)
<b>12:00 - 1:15 PM</b>	<b>-BREAK FOR LUNCH-</b>
<b>1:15 - 2:00PM</b>	<b>Transition Document Strategy Session-</b>
<b>2:00 - 3:00 PM</b>	<b>Tribal Presentation, Issues/Concerns - Surrounding Tribes</b>
<b>3:00 - 3:15</b>	<b>Break</b>
<b>3:15 - 4:00 PM</b>	<b>Workgroup Reports/ Updates - Conference, Solid Waste, others</b>
<b>4:00 - 5:00 PM</b>	<b>Review Action Items /Adjourn Tribal Caucus</b>



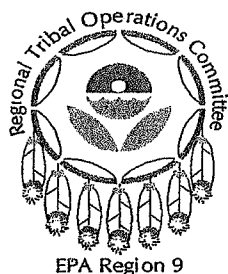
## **REGIONAL TRIBAL OPERATIONS COMMITTEE MEETING**

Wednesday, February 3, 2010  
Susanville Indian Rancheria  
Diamond Mountain Casino Hotel  
900 Skyline Drive  
Susanville, CA. 96130



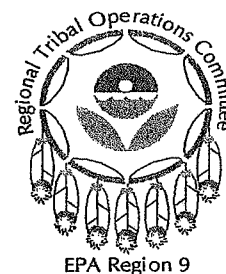
### **RTOC Meeting:**

- 9:00 - 9:05 AM** Opening Prayer - Mr. Gordon Crutcher, Spiritual Elder
- 9:05 - 9:15 AM** Welcoming/ Opening Remarks- Mr. Stacy Dixon, Susanville Indian Rancheria Tribal Chairman
- 9:15 - 9:25 AM** Welcoming Remarks --, Jane Diamond, Acting Deputy Regional Administrator, EPA
- 9:25 - 9:40 AM** Introductions/Roll Call - Cornelius Antone, RTOC Tribal Co-Chair
- 9:40 - 10:00 AM** Review Previous RTOC Meeting Action Items - Lori Lewis, Meeting Facilitator, EPA
- 10:00-10:45 AM** Tribal Caucus Report - Cornelius Antone, RTOC Tribal Co-Chair
- 10:45-11:00 AM** -BREAK-
- 11:00 - 12:00** National Tribal Operations Committee Report/Updates - Clay Bravo (AZ), Stephen B. Etsitty (NN), Erica Helms Schenk (CA), and Marie Barry (NV)
- 12:00 -1:15 PM** -BREAK FOR LUNCH-
- 1:15 - 1:45 PM** Pesticide Assessment update -- Nina Hapner/ Sarah Ryan
- 1:45 - 2:15** EPA Report --, Janet Hashimoto, Communities and Ecosystems Division, EPA
- 2:15 - 3:00 PM** EPA Response to Tribal Caucus Report -- RTOC EPA Co-chair
- 3:00 - 3:15PM** -BREAK-
- 3:15 - 3:30PM** 2010 Conference Update- Erica Helms Schenk (Soboba, CA)
- 3:30 - 4:30PM** Set RTOC Priorities
- 4:30 - 5:00 PM** Review Action Items/ Evaluation Forms/ Next RTOC Meeting Location/ Closing Comments, Action Items - Lori Lewis, Meeting Facilitator, EPA
- 5:00 PM** RTOC Meeting Closes
- 5:00 - 5:30 PM** EPA Networking Session -- EPA and Tribal staff available meet
- 6:00PM** Cultural Event/Dinner- Sponsored by the Susanville Indian Rancheria Tribal Business Council



## **WORKGROUP DISCUSSIONS**

Thursday, February 4, 2010  
 Susanville Indian Rancheria  
 Diamond Mountain Casino Hotel  
 900 Skyline Drive  
 Susanville, CA. 96130



### **8:30 AM-Noon RTOC WorkGroup Discussions** **Facilitator: Lori Lewis/EPA & Tribal Leads**

Time	Topic	Purpose
<u>8:30 - 9:00AM</u>	<b>Session Planning, Set-up, Sign In and room location</b>	<i>Final coordination for sessions and planning</i>
<u>9:00 - 10:15AM</u>	<b>Conference Workgroup</b> EPA Lead: Tribal Lead: Erica Helms-Schenk	<i>Session Overview:</i> <b>October 2010 Annual Conference planning session</b>
	<b>TMDL Training</b> EPA Lead: Janet Hashimoto Tribal Lead:	<i>Session Overview:</i>
	<b>Emergency Planning and Response</b> EPA Lead: Angie Proboszcz Tribal Lead: Alfreda Jakes	<i>Session Overview:</i>
	<b>Sustainable Infrastructure</b> EPA Lead: Michelle Baker Tribal Lead: David Edmunds	<i>Session Overview:</i>
<u>10:15-10:30AM</u>	<b>Break</b>	<i>Session Overview: Break and chance to rotate to another session.</i>
<u>10:30 - 11:45AM</u>	<b>Grants Work Group</b> EPA Lead: Pamela Overman, Susan Chiu Tribal Lead: Roman Orona	<i>Session Overview:</i>
	<b>Solid Waste</b> EPA Lead: Nancy Sockabasin Tribal Lead: John Mosley	<i>Session Overview:</i>
	<b>GAP Online</b> EPA Lead: Tim Wilhite Tribal Lead:	<i>Session Overview:</i> <b>Training</b>
	EPA Lead: Tribal Lead: Erica Helms	<i>Session Overview:</i>

11:45 AM- Noon	Wrap Up- Return forms to Co-Chair/ Jaclyn Listo	<i>Session Summary:</i> Return all sign in sheets, notes & action items information to Co-Chair or Jaclyn Listo(Adm. Assistant - (TONEPO))
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DRAFT





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## California - FY 10

(October 1, 2009 through September 30, 2010)

Cities not appearing below may be located within a county for which rates are listed. To determine what county a city is located in, visit the National Association of Counties (NACo) website (a non-federal website).

**NOTE:** If neither the city nor the county is listed, the location is a standard CONUS destination with a rate of \$70.00 for lodging and \$46.00 for meals and incidental expenses (M&IE).

### State Tax Rates & Exemption Forms

### Properties at Per Diem (FedRooms)

View a state map with highlighted areas showing where rates listed below apply. Standard CONUS rates apply elsewhere.

Select another State

Primary Destination (1)	County (2-3)	Max Lodging (exc. taxes)	* M&IE Rate	= Max Per Diem Rate (4)	First & Last Day (75% of M&IE)
Antioch / Brentwood / Concord	Contra Costa	110	66	176	49.5
Bakersfield / Delano (Naval Weapons Center and Ordnance Test Station, China Lake)	Kern	79	56	135	42.0
Barstow / Ontario / Victorville	San Bernardino	93	56	149	42.0
Benicia / Dixon / Fairfield	Solano	93	56	149	42.0
Brawley / Calexico / El Centro	Imperial	82	51	133	38.25
Death Valley	Inyo	84	46	130	34.5
Eureka / Arcata / McKinleyville (October 1 - May 31)	Humboldt	85	61	146	45.75
Eureka / Arcata / McKinleyville (June 1 - August 31)	Humboldt	102	61	163	45.75
Eureka / Arcata /	Humboldt	85	61	146	45.75

McKinleyville (September 1 - September 30)					
Fresno	Fresno	94	61	155	45.75
Los Angeles	Los Angeles, Orange, Ventura, and Edwards AFB	135	71	206	53.25
Mammoth Lakes (October 1 - November 30)	Mono	114	61	175	45.75
Mammoth Lakes (December 1 - January 31)	Mono	143	61	204	45.75
Mammoth Lakes (February 1 - September 30)	Mono	114	61	175	45.75
Mill Valley / San Rafael / Novato	Marin	120	56	176	42.0
Modesto	Stanislaus	88	51	139	38.25
Monterey	Monterey	140	71	211	53.25
Napa (October 1 - November 30)	Napa	163	66	229	49.5
Napa (December 1 - March 31)	Napa	115	66	181	49.5
Napa (April 1 - September 30)	Napa	163	66	229	49.5
Oakhurst (October 1 - April 30)	Madera	74	56	130	42.0
Oakhurst (May 1 - August 31)	Madera	93	56	149	42.0
Oakhurst (September 1 - September 30)	Madera	74	56	130	42.0
Oakland	Alameda	100	61	161	45.75
Palm Springs (October 1 - December 31)	Riverside	111	71	182	53.25
Palm Springs (January 1 - May 31)	Riverside	129	71	200	53.25
Palm Springs (June 1 - August 31)	Riverside	90	71	161	53.25
Palm Springs (September 1 - September 30)	Riverside	111	71	182	53.25
Point Arena / Gualala	Mendocino	84	66	150	49.5
Redding	Shasta	89	61	150	45.75
Sacramento	Sacramento	109	61	170	45.75
San Diego	San Diego	147	71	218	53.25
San Francisco (October 1 - October 31)	San Francisco	192	71	263	53.25
San Francisco (November 1 - August 31)	San Francisco	166	71	237	53.25

San Francisco (September 1 - September 30)	San Francisco	192	71	263	53.25
San Luis Obispo (October 1 - June 30)	San Luis Obispo	106	66	172	49.5
San Luis Obispo (July 1 - August 31)	San Luis Obispo	126	66	192	49.5
San Luis Obispo (September 1 - September 30)	San Luis Obispo	106	66	172	49.5
San Mateo / Foster City / Belmont	San Mateo	125	61	186	45.75
Santa Barbara (October 1 - June 30)	Santa Barbara	149	66	215	49.5
Santa Barbara (July 1 - August 31)	Santa Barbara	199	66	265	49.5
Santa Barbara (September 1 - September 30)	Santa Barbara	149	66	215	49.5
Santa Cruz (October 1 - May 31)	Santa Cruz	99	66	165	49.5
Santa Cruz (June 1 - August 31)	Santa Cruz	132	66	198	49.5
Santa Cruz (September 1 - September 30)	Santa Cruz	99	66	165	49.5
Santa Monica	City limits of Santa Monica	209	71	280	53.25
Santa Rosa	Sonoma	119	61	180	45.75
South Lake Tahoe (October 1 - November 30)	El Dorado	126	71	197	53.25
South Lake Tahoe (December 1 - March 31)	El Dorado	140	71	211	53.25
South Lake Tahoe (April 1 - June 30)	El Dorado	119	71	190	53.25
South Lake Tahoe (July 1 - September 30)	El Dorado	126	71	197	53.25
Stockton	San Joaquin	87	56	143	42.0
Sunnyvale / Palo Alto / San Jose	Santa Clara	132	56	188	42.0
Tahoe City	Placer	98	61	159	45.75
Truckee (October 1 - November 30)	Nevada	97	71	168	53.25
Truckee (December 1 - February 28)	Nevada	116	71	187	53.25
Truckee (March 1 - September 30)	Nevada	97	71	168	53.25
Visalia / Lemoore	Tulare and Kings	85	61	146	45.75
West Sacramento	Yolo	99	51	150	38.25
Yosemite National Park	Mariposa	131	71	202	53.25



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## Privately Owned Vehicle (POV) Mileage Reimbursement Rates

### Current Privately Owned Vehicle Reimbursement Rates

Modes of Transportation	Effective/Applicability Date	Rate per mile
Airplane	January 1, 2010	\$1.29
Automobile	January 1, 2010	\$0.50
If no Government Owned Automobile available		
If Government Owned Automobile available	February 4, 2005	\$0.285
If committed to use Government Owned Automobile	February 4, 2005	\$0.125
Motorcycle	January 1, 2010	\$0.47

### CONTACTS

**Additional Contacts For**  
Travel Management Policy

### REFERENCE

Federal Travel Regulation (FTR)

### RELATED GSA TOPICS

Per Diem Rates  
FY10 M&IE Breakdown  
Airlines (City Pair Program)  
Travel Services Solutions

### GOVERNMENT LINKS

Alaska, Hawaii, Puerto Rico, and U.S. possessions Per Diem Rates  
Foreign Per Diem Rates  
GSA Board of Contract Appeals Off Portal Website  
Hotel and Motel Fire Safety  
Ask a Travel Question  
U.S. Government Car Rental Program

### NONGOVERNMENT LINKS

FedRooms  
National Association of Counties (NACo) Website

The shortcut to this page is [www.gsa.gov/mileage](http://www.gsa.gov/mileage).

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# MAPQUEST

Notes

## Trip to Susanville, CA

85.86 miles - about 1 hour 22 minutes



1708 H St, Sparks, NV 89431-4337



1. Start out going EAST on H ST toward N ROCK BLVD.

go 0.0 mi



2. Turn RIGHT onto N ROCK BLVD.

go 0.4 mi



3. Merge onto I-80 W.

go 0.6 mi



4. Merge onto US-395 N via EXIT 15 toward SUSANVILLE (Crossing into CALIFORNIA).

go 80.7 mi



5. US-395 N becomes CA-36.

go 4.1 mi



6. Welcome to SUSANVILLE, CA.

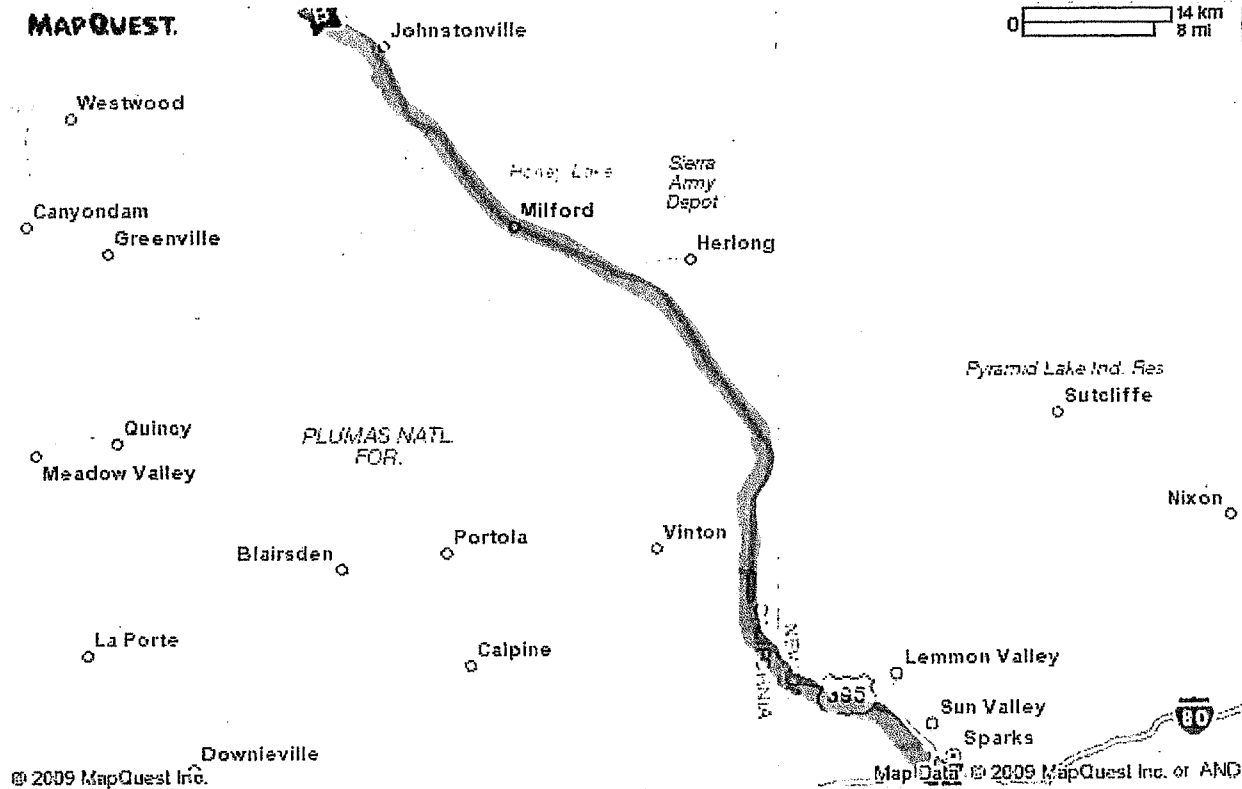
go 0.0 mi



Susanville, CA

Total Travel Estimate : 85.86 miles - about 1 hour 22 minutes

Route Map [Hide](#)



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# MAPQUEST

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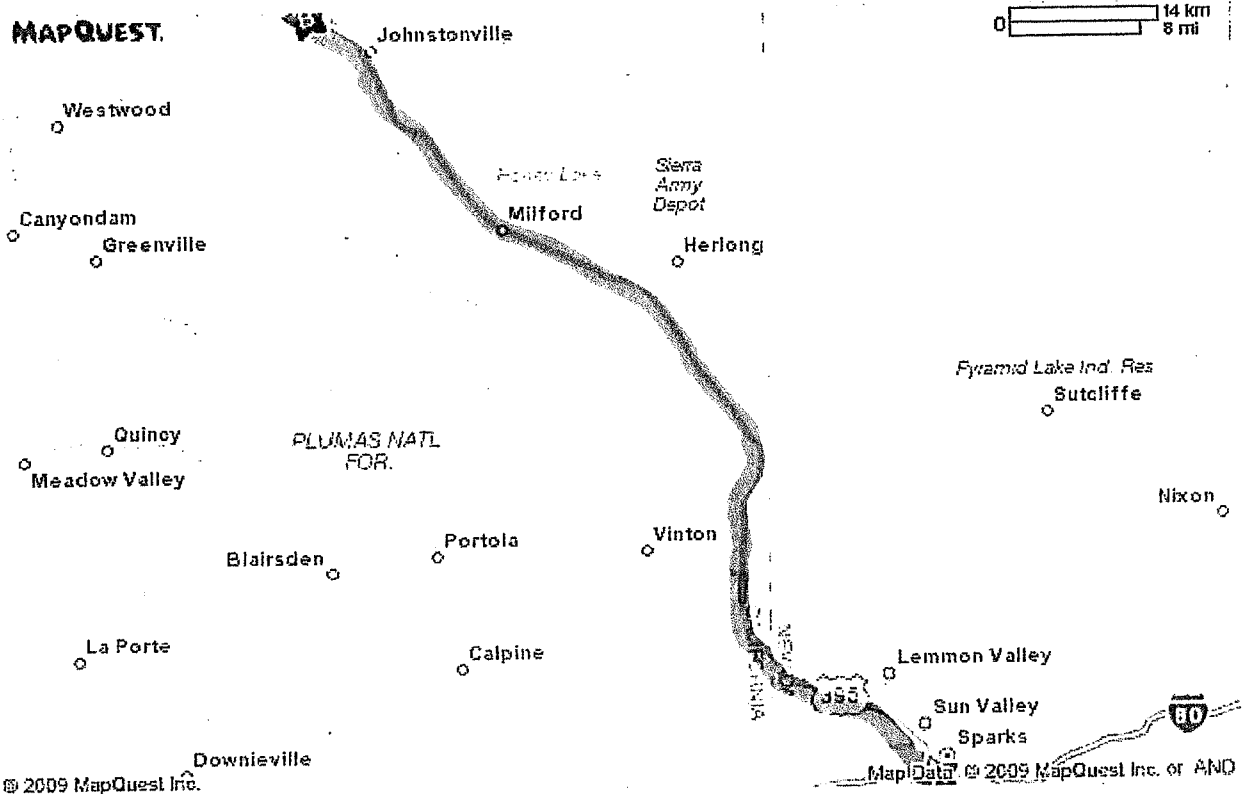


**Susanville, CA**

Total Travel Estimate : 85.86 miles - about 1 hour 22 minutes

Route Map Hide

MAPQUEST.



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# MAPQUEST

Notes

## Trip to Susanville, CA

85.86 miles - about 1 hour 22 minutes



1708 H St, Sparks, NV 89431-4337



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go 0.0 mi



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6. Welcome to **SUSANVILLE, CA.**

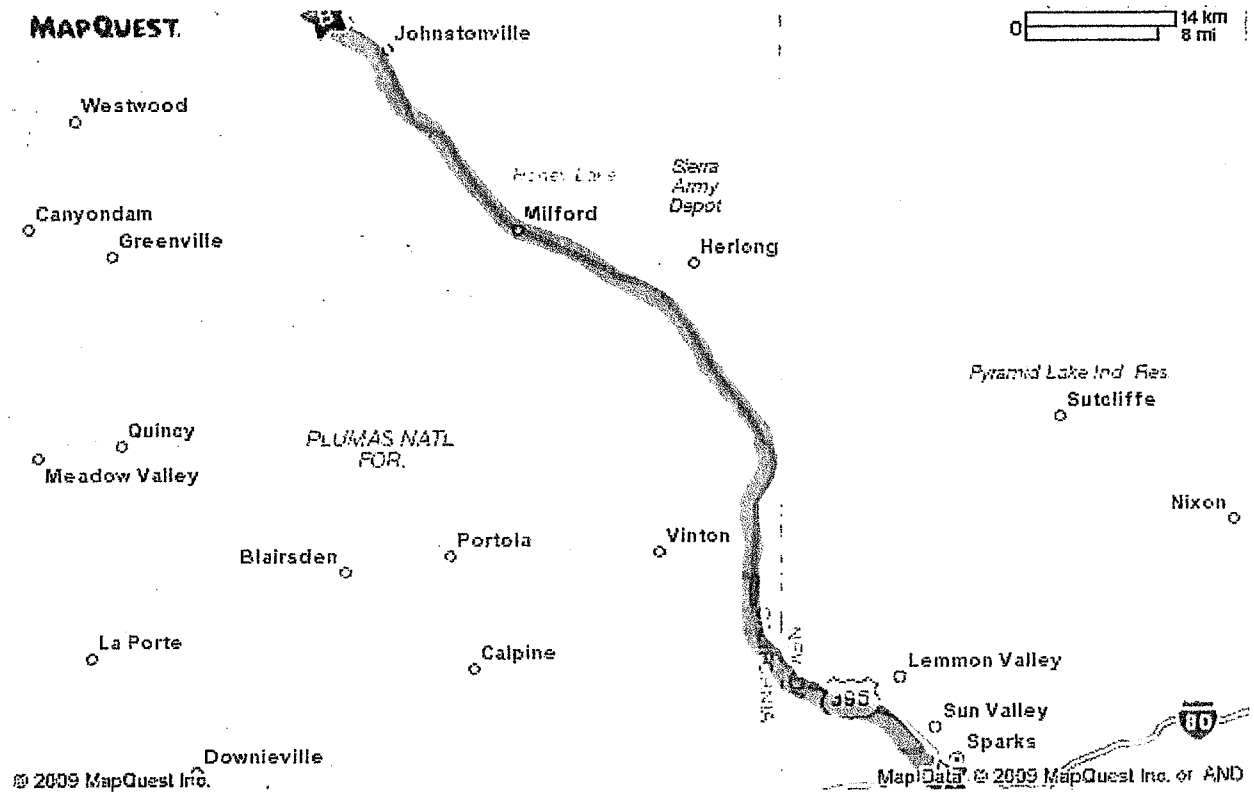
go 0.0 mi



**Susanville, CA**

Total Travel Estimate : 85.86 miles - about 1 hour 22 minutes

Route Map Hide



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## Exhibit G

Summit Lake Paiute Tribe  
Budget Modification  
FY 2006 - 07  
(12/12/07)

PII

Approved 12/13/07

Not Approved until further advised MRP

Line Item	General Assistance Program (GAP) Line Item Name	(11/08/05) Budgeted Amount	Unspent (Over Spent)	(12/12/07) BUD MOD FY 2007-08	BUD MOD FY 2008-09
7000	SALARIES/WAGES				
7000	Environmental Coordinator salary	\$47,424.00	\$28,895.00	\$18,529.00	
7000	Bookkeeper salary				
7220-7260	FRINGE BENEFITS				
7220-7260	FICA, WC, Unemploy, Etc.	\$6,502.70	\$5,708.44	\$2,348.59	
8010-8080	PROFESSIONAL SERVICES				
	Audit	\$2,000.00	\$4,037.84	\$4,037.84	
	Legal Fees	\$500.00	\$500.00	\$0.00	
	IPA (NRD supervising EC)			\$5,000.00	
	Solid Waste Cleanup			\$6,000.00	
	Web Site Design			\$6,000.00	
	OFFICE SUPPLIES			\$23,448.00	
8100	Office Supplies	\$3,713.30	\$1,811.31	\$1,388.69	\$1,000.00
8101	General Office Supplies				
8200	COMMUNICATIONS	\$2,500.00	\$168.05	\$2,331.95	
8400	RENT	\$4,800.00	\$4,499.20	\$300.80	
8410	UTILITIES			\$204.50	
8411	GARBAGE COLLECTION				
8413	FACILITIES/MAINTENANCE	\$500.00	\$425.00	\$1,826.36	
8500	EQUIPMENT			\$605.51	
8510	EQUIPMENT RENT/LEASE				
8610	PRINTING & BINDING				
8700	TRAVEL (in-state)				
8710	TRAVEL (out-of-state)				
8720	TRAVEL	\$6,000.00	\$1,009.98	\$4,990.02	
8730	VEHICLE/EQUIP MAINTENANCE			\$139.24	
8800	CONFERENCE/TRAINING/SEMINAR REGIS	\$1,500.00	\$1,500.00	\$0.00	
9010	PUBLIC RELATIONS				
9520	MISC - ELECTRON FEES				
9730	FURNITURE & EQUIPMENT				
9731	COMPUTER				
9733	VEHICLE (GSA)	\$4,560.00	\$5,344.66	\$5,344.66	
Approved	Acting Tribal Chairperson	\$80,000.00		\$24,465.34	\$1,000.00

Summit Lake Paiute Tribe  
Budget Modification  
FY 2005-06  
(12/12/07)

Approved  
12/13/07  
PII

Not Approved  
will Review  
before  
renewal  
12/13/07

Line Item	General Assistance Program (GAP)	(11/08/05) Budgeted Amount	Unspent (Over Spent)	(12/12/07) BUD MOD	(12/12/07) BUD MOD FY 2007-08	(12/12/07) BUD MOD FY 2008-09
7000	SALARIES/WAGES Environmental Coordinator salary	\$43,000.00	\$30,776.01	\$12,223.49	\$6,000.00	\$5,500.00
7220-7260	FRINGE BENEFITS FICA, WC, Unemploy, Etc.	\$11,545.50	\$8,628.55	\$917.32	\$1,044.60	\$1,044.60
8010-8080	PROFESSIONAL SERVICES Audit	\$3,000.00	\$1,668.46	\$1,331.54		
	Legal Fees	\$500.00	\$500.00	\$0.00		
	IPA (NRD supervising EC)				\$8,448.00	
	Solid Waste Cleanup				\$2,188.86	\$3,000.00
	Web Site Update				\$1,000.00	\$500.00
	OFFICE SUPPLIES					
8100	Office Supplies	\$500.00	\$738.90		\$1,318.00	
8101	General Office Supplies	\$1,000.00	\$680.89	\$0.00		
8200	COMMUNICATIONS	\$1,000.00	\$600.00	\$1,694.63	\$1,000.00	
8400	RENT				\$2,000.00	
8410	UTILITIES	\$500.00	\$1,241.00	\$1,741.52		
8413	FACILITIES/MAINTENANCE	\$500.00	\$425.00			
8510	EQUIPMENT RENT/LEASE			\$315.87		
8610	PRINTING & BINDING	\$1,000.00	\$1,000.00	\$0.00	\$500.00	
8700	TRAVEL (in-state)	\$4,100.00	\$533.74	\$4,633.74	\$1,500.00	
8710	TRAVEL (out-of-state)	\$4,454.50	\$3,666.98	\$787.52	\$2,500.00	
8720	TRAVEL		\$196.18	\$196.18		
8730	VEHICLE MAINTENANCE			\$146.03		
8800	CONFERENCE/TRAINING/SEMINAR REGIS	\$1,000.00	\$900.00	\$100.00	\$500.00	
9010	PUBLIC RELATIONS			\$59.48		
9520	MISC - ELECTRON FEES	\$400.00	\$321.51	\$78.49		
9730	FURNITURE & EQUIPMENT			\$429.61	\$2,000.00	
9731	COMPUTER	\$2,000.00	\$2,000.00	\$0.00	\$7,000.00	
9733	VEHICLE (GSA)	\$5,500.00	\$2,000.52	\$8,300.52		
Approved:		\$80,000.00		\$32,955.94	\$36,999.46	\$10,044.60
	Acting Tribal Chairperson					

PII

Summit Lake Paiute Tribe  
Budget Modification  
FY 2007-08  
(12/12/07)

Line Item	Line Item Name	(10/04/07) Budgeted Amount	FY 05-06 BUD MOD	FY 06-07 BUD MOD	12/12/2007 BUD MOD FY 07-08
80	General Assistance Program (GAP)				
7000	SALARIES/WAGES				
	Environmental Coordinator salary	\$45,000.00	\$6,000.00		\$51,000.00
	Bookkeeper salary	\$3,727.00			\$3,727.00
	FRINGE BENEFITS				
7220-7260	FICA, WC, Unemploy, Etc.	\$8,484.00	\$1,044.60		\$9,528.60
8010-8080	PROFESSIONAL SERVICES				
	Audit	\$2,000.00			\$2,000.00
	Legal Fees				
	IPA (NRD supervising EC)				
	Solid Waste Cleanup				
	Web Site Update		\$1,000.00		\$1,000.00
	OFFICE SUPPLIES				
8100	Office Supplies	\$1,048.00	\$1,318.00	\$1,017.34	\$3,383.34
8101	General Office Supplies				
8200	COMMUNICATIONS	\$2,500.00			\$2,500.00
8400	RENT	\$1,700.00	\$2,000.00		\$3,700.00
8410	UTILITIES	\$135.00			\$135.00
8413	FACILITIES/MAINTENANCE				
8510	EQUIPMENT RENT/LEASE	\$1,000.00			\$1,000.00
8610	PRINTING & BINDING	\$197.00	\$500.00		\$697.00
8700	TRAVEL (in-state)	\$2,000.00	\$1,500.00		\$3,500.00
8710	TRAVEL (out-of-state)	\$1,000.00	\$2,500.00		\$3,500.00
- 8720	TRAVEL (\$3,000 allocated between line items 8700 & 8710)				
8730	VEHICLE MAINTENANCE				
8800	CONFERENCE/TRAINING/SEMINAR REGIS	\$1,500.00	\$500.00		\$2,000.00
9010	PUBLIC RELATIONS				
9520	MISC - ELECTRON FEES				
9730	FURNITURE & EQUIPMENT		\$2,000.00		\$2,000.00
9731	COMPUTER		\$7,000.00		\$7,000.00
9733	VEHICLE (GSA)	\$9,709.00			\$9,709.00
Approved:	Acting Tribal Chairperson	\$80,000.00	\$25,362.60	\$1,017.34	\$106,379.94

P11

Approved  
12/13/07

**Exhibit H**



# ENVIRONMENTAL NEWSLETTER

Environmental Protection Department  
Summit Lake Paiute Tribe  
1708 H Street, Sparks, NV 89431-4337  
[www.summitlaketribe.org](http://www.summitlaketribe.org)

First Quarter  
September-November 2010

## In this Issue:

- Council Directs Organization of Spring Clean Up Day in 2011
- Summit Lake Paiute Council Files Petitions For Review Against Federal Agencies To Enforce NEPA
- What Can You Do To Protect Your Property At Summit Lake?
- Submit Your Favorite Picture Of Summit Lake, Story Or An Article
- Story By Mya Townsend, Age 11, For Her Mother And Tribal Member Anita Schacker
- U.S. Dept Of Energy EEECBG (Grant)
- New GAP Grant Started Sept 1
- New Entrance Signs Posted On The Reservation
- Council Conducts Government-to-Government Consultation Sessions With FERC To Protect Environments Important To Tribe
- Complaints About Ruby Pipeline Not Controlling Dust and Causing Dangerous Conditions To FERC Leads FERC To Improve Conditions
- Council Works To Protect Cemetary Environment
- Council Works With Sierra Club's Ruby Pipeline Task Force
- Council Files Complaint With BLM and BIA About Trespassing Cows
- Attending Consultation Sessions Allows Review Of Previously Unknown FERC Environmental Inspection Reports
- BLM Builds Paiute Meadows Route Reroute Without Prior Notice To Tribes
- Environmental Coordinator Activities For First Quarter
- FWS Imposes One Of Many Mitigation Requests Of Council On Ruby Pipeline
- First Non-Eagle Feather Repository

## **COUNCIL DIRECTS ORGANIZATION OF SPRING CLEAN UP DAY IN 2011**

During the October 16, 2010 General Membership/Regular Council Meeting, the Summit Lake Paiute Council (Council) directed the Environmental Protection Department to organize a "Spring Clean Up Day" in 2011. The purpose of the Spring Clean Up Day would be to allow tribal members that have land assignments to remove junked vehicles and other metal items from their land assignments and place them in a central location so that a metal recycling company can come to the Reservation and remove the items.

With the closing of the open pit dump, and posting of signs, the Council recognizes that junked vehicles and other metal items need to be removed from the Reservation.



New signs like this one, obtain by GAP Grant funds, were posted at the entrances of the open pit dump advising that the dump is closed.

The Environmental Protection Department will use EPA's "Developing an Abandoned Vehicle Cleanup Program for Tribal Governments" (EPA-909-R-09-013) as a guide which is available on-line through EPA's National Center for Environmental



# ENVIRONMENTAL NEWSLETTER

Environmental Protection Department  
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First Quarter  
September-November 2010

"909R09013 Abandoned vehicle". See attached form (allowing tribe members to identify vehicles and metal items to be removed by Tribe.)

The date of the Spring Clean Up Day will be identified after the ground on the Reservation dries out sufficiently so as to not cause environmental damage by run off or muddy conditions.

Title to vehicles must be transferred, and the Environmental Protection Department will assist with that.

Council Members and others said they would help tribal members with land assignments remove items to the location to be selected at a later date.

## **SUMMIT LAKE PAIUTE COUNCIL FILES PETITIONS FOR REVIEW AGAINST FEDERAL AGENCIES TO ENFORCE NEPA**

The Summit Lake Paiute Council (Council) filed two Petitions For Review against federal agencies challenging their decisions on the Ruby Pipeline Project. NEPA: National Environmental Policy Act.

By Council Resolutions Nos. SL-16-2010 and SL-19-2010, the Council accepted the pro bono (without charge) services of Assistant Professor of Law Colette Routel, William Mitchell College of Law, St. Paul, Minnesota. Professor Routel is a well experienced federal Indian law, environmental law and natural resources law attorney and has taught those subjects for several years. Professor Routel came highly recommended by two nationally known Indian law attorneys. Those Council Resolutions are available on the Minutes/Resolution Page of the Environmental Protection Department's web site ([www.summitlaketribe.org](http://www.summitlaketribe.org)).

## **Petition filed Challenging FERC Decisions**

Most recently, on November 12, 2010, the Council filed a Petition For Review to challenge the Federal Energy Regulatory Commission (FERC) decisions granting Ruby Pipeline, LLC, a Certificate Order on April 5, 2010 and denying the Tribe's Request For Rehearing on their Certificate Order on October 6, 2010.

Let the Environmental Coordinator know how this Environmental Newsletter can be improved!

The case number of the Petition filed with the U.S. Court of Appeals for the District of Columbia Circuit is 10-1389.

The Petition filed against FERC's issuance of the Certificate Order and denial of the Tribe's Request For Rehearing states: "Construction of the pipeline would have adverse effect on wildlife (e.g., Lahontan cutthroat trout, antelope, deer, big horn sheep, pygmy rabbits, and sage grouse), traditional foods, and medicines within the Tribe's aboriginal homeland." See Petition at page 2, second full paragraph.

The Petition concludes that FERC's Certificate Order and Order Denying the Tribe's Petition For Rehearing violate "the National Environmental Policy Act, 42 U.S.C.

The members and officers of the Summit Lake Paiute Council are

Warner Barlese, Chairman;  
Ernie Barlese, Vice-Chair;  
Jerri Lynn Barlese, Secretary/Treasurer;  
Jerry Barr, Member; and,  
Randi DeSoto, Member

# ENVIRONMENTAL NEWSLETTER

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Summit Lake Paiute Tribe  
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First Quarter  
September-November 2010

[section] 4321 [and sections thereafter]."  
See Petition at page 3.

## **Petition filed Challenging BLM and others**

On September 10, 2010, Council Chairman Warner Barlese filed a Petition For Review against the Bureau of Land Management (BLM), U.S. Fish & Wildlife Service (FWS) and the U.S. Army Corps of Engineers (Corps) challenging BLM's ROD (Record of Decision) and the other decisions of FWS and the Corps on the Ruby Pipeline Project.

The Petition challenging the decisions of BLM, FWS and the Corps was filed with the U.S. Court of Appeals for the Ninth Circuit in San Francisco, Case No. 10-72762, has jurisdiction over natural gas projects in Nevada, like Ruby Pipeline.

## **WHAT CAN YOU DO TO PROTECT YOUR PROPERTY AT SUMMIT LAKE?**

Research shows that how the house is built, the characteristics of the adjacent vegetation, and routine maintenance often determine which homes burn and which survive.

Check the web site:

<http://www.livingwithfire.com/>

The purpose of Living With Fire is to provide homeowners with wildfire threat reduction recommendations developed by Nevada's firefighting experts. This program also provides suggestions about what to do during and after a fire.

The Petition filed with the Ninth Circuit states that BLM's "ROD contains no analysis of the Tribe's concerns of the use of water for dust control or injecting water used for hydrostatic testing back into the ground near the Summit Lake Reservation." See Petition at page 2, first full paragraph.

## **DON'T TRASH OR DUMP AT SUMMIT LAKE**

This Petition advises the Court that "To date, neither BLM nor FWS have responded to Petitioner's numerous requests for mitigation of the damage that would be done to Petitioner's most sacred, religious, historic, environments . . . and other resources many miles to the north, northeast and northwest of the Summit Lake Reservation still used by [the Tribe's] members and other Northern Paiutes." See Petition, page 2, lines 1-5.

## **SUBMIT YOUR FAVORITE PICTURE OF SUMMIT LAKE, STORY OR AN ARTICLE...**

To submit an environmental article for publication consideration in this Newsletter please mail a digital copy (Microsoft Word please), if possible, to:

Environmental Coordinator  
Summit Lake Paiute Tribe  
1708 H Street  
Sparks, NV 89431

Or fax to:  
(775) 827-9678

or email to  
[ron.johnny@summitlaketribe.org](mailto:ron.johnny@summitlaketribe.org)  
(in Microsoft Word please)

Only send copies of your photos—never send the original! Email is best.

# ENVIRONMENTAL NEWSLETTER

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Summit Lake Paiute Tribe  
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First Quarter  
September-November 2010

The Petition filed with the Ninth Circuit also asked the Court to enforce the National Environmental Policy Act (NEPA).

## RUBY PIPELINE FACTS:

43 inch-diameter pipe. In comparison, the natural gas pipeline that ruptured recently in a residential area in San Bruno, California, that killed 8, injured numerous individuals, destroyed 37 homes and damaged 18 other homes, was a 30-inch-diameter pipe.

678-miles-long starting in Wyoming, going through Utah and Nevada, and ends in Oregon.

## PREVENT THE SPREAD OF INVASIVE SPECIES AT SUMMIT LAKE

### SANITIZE

YOUR WADERS AND VEHICLES  
AFTER LEAVING EACH BODY OF WATER  
OR AREAS WHERE WEEDS SUCH AS TALL  
WHITE TOP EXIST,  
**AND BEFORE USING YOUR THINGS  
AT SUMMIT LAKE**

## STORY BY MYA TOWNSEND, AGE 11, FOR HER MOTHER AND TRIBAL MEMBER ANITA SCHACKER

My name is Blue Bird Woman, I am a Paiute. I live in Summit Lake. I live in a sage brush hut. Some of the things we eat are Lahontan cutthroat trout, sage hen, ground hog, rabbit, deer, bird eggs, and roots. My cousins and I went to get sage hen and deer to eat and to make clothing to wear. High Horse is going to be my husband and he is painting our marriage blanket made from a deer hide.

My cousins and I return to the Tribe with the food. It was raining when we got back

so everyone went inside their huts to keep warm and dry. It smelled like wet sage brush, one of my favorite smells.

That night, Thunder and Lightening was booming in the night sky. My People believe the Thunder spirits are mad but the rain helps our crops. We are grateful for the rain because it gets dry where we live. It is also good for our creek because in the spring the fish swim up to lay their eggs.

In the morning, me and the other women started to cook the sage hen and we hung the deer to skin it. The men are sharpening their weapons and the children are playing. Today, we will pick roots because the ground is soft from the rain.

It is now summer and my Tribe will be moving up to Mahogany Creek where there are trees and it is cooler. One day, we went hunting and seen some Tybos looking for gold. There is no gold at Summit Lake. They were scared of our warriors so they left quickly towards the Black Rock Desert.

High Horse has finished our marriage blanket. My father whose name is Chief Cutthroat has agreed to marry us in three suns. I am happy to marry a warrior that I love.

After our marriage, we shared our own sage brush hut. Many moons have past and we now have three children. Their names are Little River; Blue Moon; and, our son, Thunder Boy, who was born in a thunder storm on a summer night. We lived many moons and taught our children to be proud that they are members of the Summit Lake Tribe.

## U.S. DEPT OF ENERGY EECBG (GRANT)

The Council approved the Tribe's application for a \$25,000 U.S. Department of

# ENVIRONMENTAL NEWSLETTER

Environmental Protection Department  
Summit Lake Paiute Tribe  
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First Quarter  
September-November 2010

Energy (DOE) EECBG (Energy Efficiency Conservation Block Grant).

The Bid Announcement is posted on the Employment Page of the Tribe's Environmental Protection Department web site ([www.summitlaketribe.org](http://www.summitlaketribe.org)).

The grant will allow the successful bidder, employing a tribal member, to: replace the old, energy inefficient, windows and heater/air conditioner units in the tribal admin trailer with new energy efficient models; replace the old, energy inefficient windows, in the Bunk House, and either repair or replace the doors; replace the old window in the pump room side of the pump house, repair or replace the door to make it energy efficient, and if there is enough money remaining, insulate the pump room side of the pump house; and, if there is money left over, insulate the maintenance shop.

The grant is administered by the Tribe's Environmental Coordinator.

Tribal members interested in being considered for the laborer position should submit their names to the Personnel Department of the Tribe in accordance with the Personnel Manual.

Sealed bids will be accepted up to 3pm, Thursday, December 2, 2010.

Bidders must have a Waste Stream Plan to dispose of the old, energy inefficient items, and the Environmental Coordinator can help with that.

DOE has reserved the right to select the bidder.

## **NEW GAP GRANT STARTED SEPT 1**

The September 1, 2010 to August 31, 2010 GAP (General Assistance Program) Grant from the U.S. Environmental Protection Agency (EPA) has started.

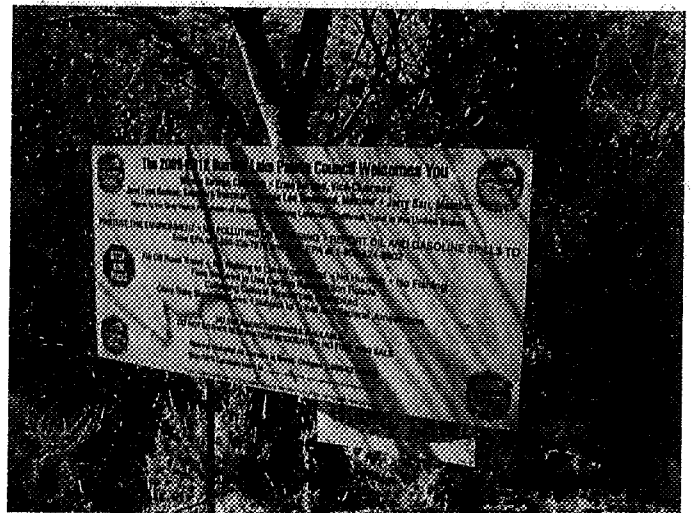
This Newsletter is funded by a GAP (General Assistance Program) Grant from the U.S. Environmental Protection Agency (EPA).

For further information on the EPA Region 9 Tribal programs visit their web site:

<http://www.epa.gov/region09/indian/>

## **NEW ENTRANCE SIGNS POSTED ON THE RESERVATION**

The new entrance signs approved by the Council in June 2009 have been posted at the four entrances to the Reservation, advising the public: to report petroleum (gasoline, oil, diesel, etc.) spills to the Tribe and U.S. Environmental Protection Agency; that those who enter the Reservation are subject to federal and tribal jurisdiction; etc.



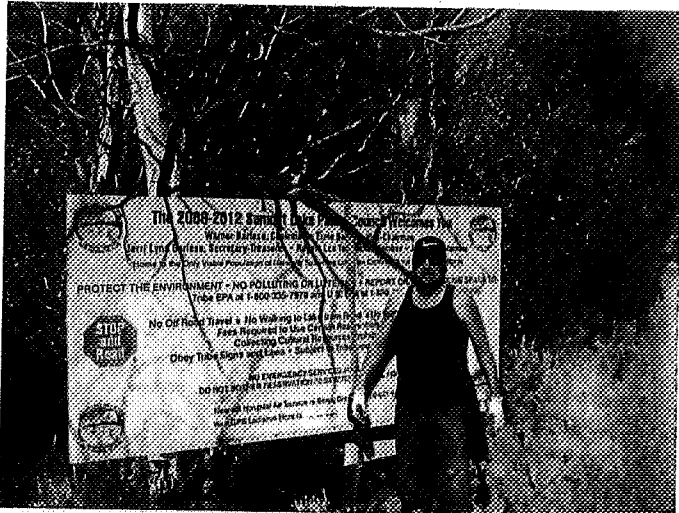
Entrance sign at east entrance to Summit Lake Reservation (Mahogany Creek in the background).

Council Vice-Chairman Ernie Barlese helped Environmental Coordinator Ron Johnny put up the above sign and several others.

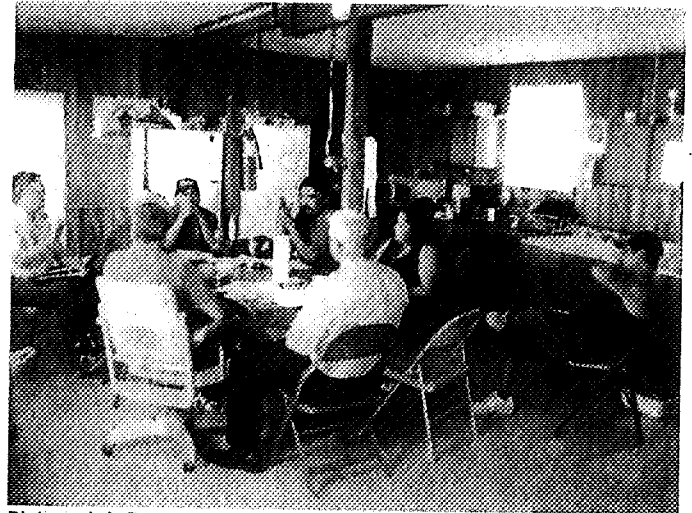
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First Quarter  
September-November 2010



On Aug. 25, 2010, Council Vice-Chairman Ernie Barlese (pictured here) helped install the west Reservation entrance sign.



Pictured left to right in the Bunk House are: Dan Gredvig, Ruby Pipeline; John Clark, attorney for Ruby Pipeline; Paul Friedman, FERC; Warner Barlese, Council Chairman; Jerry Barr, Council Member; David Swearingen, FERC; Randi DeSoto, Council Member; and, Ernie Barlese, Council Vice-Chairman. Jerri Lynn Barlese, Council Secretary/Treasurer, seated to left (out of picture).

## **COUNCIL CONDUCTS GOVERNMENT-TO-GOVERNMENT CONSULTATION SESSIONS WITH FERC TO PROTECT ENVIRONMENTS IMPORTANT TO TRIBE**

On August 25, 2010, at the Bunk House on the Summit Lake Reservation, the Summit Lake Paiute Council (Council) held a Government-to-Government Consultation Session with staff from the Federal Energy Regulatory Commission (FERC) to address the Council's concerns of destruction and damage to the environments that the Ruby Pipeline Project would do in blasting through rock formations and other environments (e.g., One Mile Spring drainage, etc.). The Council requested numerous mitigations which were later opposed by Ruby Pipeline. The comments of FERC staff, and FERC's violation of several federal laws (e.g., NEPA) led to the Council filing the Petition For Review against FERC's decisions in issuing the Certificate Order and denying the Tribe's Request For Rehearing on the Certificate Order given FERC getting the status of sage hen and rosters (sage grouse) wrong.

On September 13, 2010, the Council conducted another Government-to-Government Consultation Session with David Swearingen, FERC, at the primary administrative office in Sparks, Nevada. This Consultation Session was less productive than the August 25 session.

## **COMPLAINTS ABOUT RUBY PIPELINE NOT CONTROLLING DUST AND CAUSING DANGEROUS CONDITIONS TO FERC LEADS FERC TO IMPROVE CONDITIONS**

In early November 2010, the Council filed a complaint with the Federal Energy Regulatory Commission that Ruby Pipeline's trucking company contractor was creating dangerous conditions by failing to have its trucking company contractor properly space its big rigs so other smaller vehicle traffic using the same gravel roads in the Vya area were not subject to white out like dust conditions. FERC also advised Ruby Pipeline

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to have the truckers to slow their speeds, and Ruby Pipeline was directed to control dust with more water.



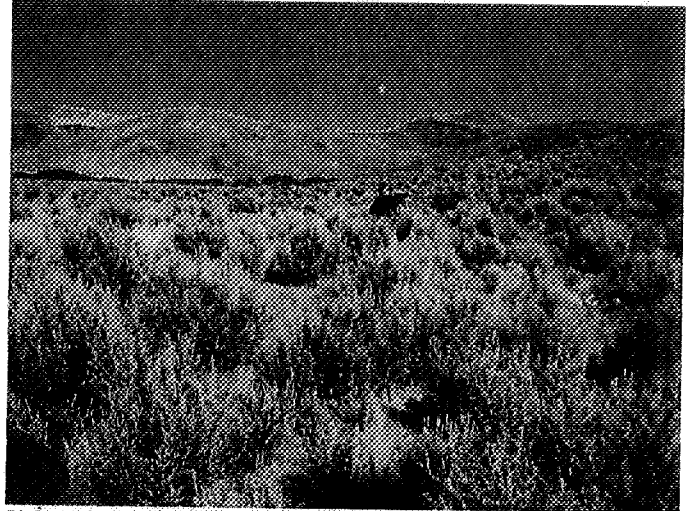
View that Council Vice-Chairman Ernie Barlese and Environmental Coordinator Ron Johnny had to deal with for 17 miles starting five miles west of Vya and ending 12 miles east of Vya on the morning of Oct. 28, 2009. Note also there is no no shoulder along this portion of the Cedarville Road west of Vya.

On September 21, when Council Members Ernie Barlese and Jerry Barr, and Environmental Coordinator Ron Johnny, traveled the same route, there was noticeably less dust along the same route given the increased use of water by Ruby Pipeline and their trucking company contractor reducing truck speeds and spacing the trucks at greater distances.

Later, Ruby Pipeline gave notice that it would be using a combination of water, beat juice and dish soap to control dust thus if you see a red beat color on the road's surface and notice animals licking the surface you will likely know why.

## **COUNCIL WORKS TO PROTECT CEMETARY ENVIRONMENT**

During a break during the September 11, 2010 Council Meeting, Council Chairman Warner Barlese and Environmental Coordinator Ron Johnny (both pictured below), and Monitors James Barlese and Chris Brown, mapped by use of a GPS device, the boundaries of the Tribe's cemetery for a proposal to have the Natural Resource Department build a fence around the cemetery to protect graves from trespassing cows and horses.



Pictured right to left: Chairman Warner Barlese (in red); Ron Johnny (in blue).

## **COUNCIL WORKS WITH SIERRA CLUB'S RUBY PIPELINE TASK FORCE**

Early in the morning on September 21, Council Members Ernie Barlese and Jerry Barr, and Environmental Coordinator Ron Johnny, met the Sierra Club's Ruby Pipeline Task Force and Pyramid Lake Tribe member Dean Barlese, met many members of the Ruby Pipeline Task Force of the Toiyabe (in Northern Paiute *Toiyabe* is pine tree forest) Chapter of the Sierra Club in Cedarville, California.



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Task Force members present were: Chairperson David von Seggern, Rose Strickland, Dennis Ghiglieri and others.

Council Members Ernie Barlese and Jerry Barr, and Mr. Johnny, then led the Task Force members to the sensitive environments that the Council wanted to protect from Ruby Pipeline construction and route access, including the Tribe's 10 Mile Spring on the Sheldon Refuge.

The trip was somewhat delayed by U.S. Fish and Wildlife Service conducting a delayed wild horse gather on the Sheldon Refuge using portions of the Cedarville Road as a catch pen. Council Members and the Environmental Coordinator met the Deputy Project Leader of the Sheldon and Hart Refuges, Damien Miller, since Sheldon-Hart Project Leader Paul Steblein has been transferred to Washington, D.C.

## **COUNCIL FILES COMPLAINT WITH BLM AND BIA ABOUT TRESPASSING COWS**

On November 19, 2010, Council Chairman Warner Barlese issued a letter of complaint, for the administrative record, that a local rancher was violating the terms of the trailing permit he submitted to BLM to trail his cows from one BLM grazing allotment pasture to another in that his cows were in the area of the Summit Lake Reservation for more than the stated one day and that 10 or more head of his cows were trespassing the Reservation.

BIA directed the rancher to have the cows trespassing the Reservation removed by November 21, 2010.

Depending on weather and road conditions, Environmental Coordinator Ron Johnny will inspect the Reservation for the trespassing cows during his lunch break when he travels to the Reservation on November 23, 2010.

## **ATTENDING CONSULTATION SESSIONS ALLOWS REVIEW OF PREVIOUSLY UNKNOWN FERC ENVIRONMENTAL INSPECTION REPORTS**

By attending the Council's Government-to-Government Consultation Session with the Federal Energy Regulatory Commission (FERC), Environmental Coordinator Ron Johnny learned that FERC had a contractor (Merjent, Inc.) performing Environmental Inspection duties along the entire length of the Ruby Pipeline construction route, including Spread 5 that is near the Summit Lake Reservation (west, north and east of the Reservation).

In response to Mr. Johnny's request, on September 30, FERC posted its Environmental Inspector's reports on-line going back to June 7, 2010 up to September 19, 2010. On October 20, the Tribe was served with the reports between September 20-October 3, 2010. On November 5, the Tribe was served with the reports for October 4-17, 2010.

On Saturday, November 20, 2010, Mr. Johnny requested telephone contact with FERC's environmental inspectors since the reports after the week of October 11-17, 2010 had not been served on the Tribe given the slower pace of serving the Tribe with the reports.

FERC also promised to have Ruby Pipeline provide reports on two truck roll-overs so Mr. Johnny could compare Ruby Pipeline's handling of petroleum (oil, diesel, etc.) spills with its plan of operation and federal regulations so any deficiencies in handling petroleum spills could be detected before construction starts (assuming the Petitions filed with the two U.S. Courts of Appeal do not stop Ruby Pipeline construction) within the Summit Lake watershed basin.

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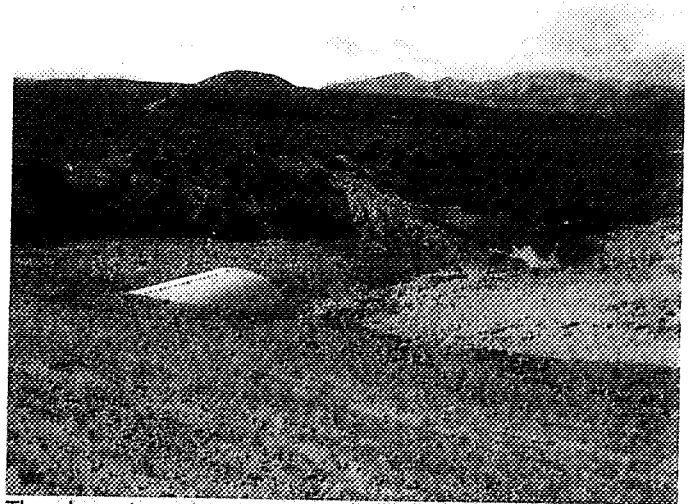
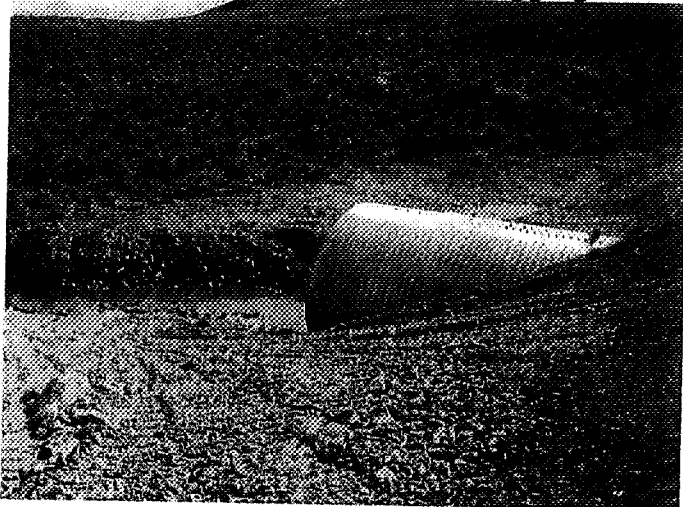
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## **BLM BUILDS PAIUTE MEADOWS ROAD WITHOUT PRIOR NOTICE TO TRIBE**

On October 15, 2010, the Tribe's Environmental Coordinator, Ron Johnny, transported Pyramid Lake Paiute Tribe committee member Dean Barlese to what was supposed to be a pre-construction environmental inspection of the proposed route for the Paiute Meadows Road re-route around the southern boundary of the Paiute Meadows Ranch with Fort McDermitt Tribe officials and archaeologists of the BLM's Winnemucca District Office and Humboldt River Field Office.

Instead, Mr. Johnny, and the others, found that BLM had already constructed the re-route without giving neither the Summit Lake, Pyramid Lake nor Fort McDermitt Tribes any advanced notice so they could have had their environmental monitors, and other monitors, present during digging.



The above two pictures are of the large culvert installed with thousands of tons of rock and gravel in the Paiute Meadows Creek flow. Not pictured are three smaller culverts and tons of rock and gravel placed elsewhere along the re-route. Reservation is 20 miles northwest of here.

All BLM official could do on site on October 15, and the next day during the Summit Lake Paiute Council's Gov't-to-Gov't Consultation Session with BLM on the Summit Lake Reservation was apologize and say the lack of notification, which has happened before, would never happen again.

## **ENVIRONMENTAL COORDINATOR ACTIVITIES FOR FIRST QUARTER**

Between September 1, 2010 and the date this newsletter was printed, mailed and emailed to tribal members and others (estimated to be before November 30, 2010), the Environmental Coordinator has prepared draft Comments for the Council Chairman to sign on the following documents that have the potential of negatively impacting the environments important to the Tribe. The Environmental Coordinator also either participated in Conference Calls on such documents or attended workshops:



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September 11: Summit Lake Paiute Council Meeting, Summit Lake Reservation. Gave report.

September 12: Government-to-Government Consultation with BLM north and west of Reservation to protect environments important to Tribe.

September 13: Government-to-Government Consultation with FERC at Tribe's office in Sparks to protect environments important to Tribe.

September 16: Attended Inter-Tribal Council Emergency Response Commission Meeting, Reno.

September 17: Worked on Tribe's 2009 Indirect Cost Rate Proposal with Tribe's ICR consultant and National Business Center.

September 18: Meet with Council Vice-Chairman in Cedarville, CA, on Far Western (Ruby Pipeline) environmental reports.

September 20: Finalize Comments on Far Western (Ruby Pipeline) environmental reports.

September 21: Travel to Cedarville, CA, and then to 10 Mile Spring with Sierra Club's Ruby Pipeline Task Force to discuss the Tribe's critical environmental issues on the Ruby Pipeline Project.

September 22: Attend Council Meeting.

September 23: Travel to Carson City to attend NIMS State Citizen Corps Council Meeting.

September 25: Attend meeting at Summit Lake Reservation to protect environments from Ruby Pipeline.

September 29: Meet with BIA at Tribe's office in Sparks on past and recurring Audit Findings.

September 30-October 3: Review FERC's Environmental Compliance Reports for: June 7-July 25, 2010; July 26-August 1, 2010; August 2-8, 2010; August 9-15, 2010; August 16-22, 2010; August 23-29, 2010; August 30-September 5, 2010; September 6-12, 2010; and September 13-19, 2010.

September 30: Wrote Comment on September 6-12, 2010 FERC Environmental Compliance Report on its inaccuracy (event actually took place in Spread #6 not Spread #1) and challenged whether the clearing of the administrative decision that clearing a width of 195 feet of trees from Spread #6 not the authorized width of 75 feet was properly classified as a "Problem Area" and not "Non Compliance".

October 1: Submitted Comments on the U.S. Environmental Protection Agency (EPA) Plan EJ (Environmental Justice) 2014 as not helping protect the pristine undamaged environment of the Summit Lake Reservation since the focus of the Plan EJ 2014 would only be to help urban minority areas whose environment was already damaged.

October 6: Attended EPA Restricted Use Pesticide Certification and Training Conference Call, and participated in environmental protection groups conference call on Ruby Pipeline Project.

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October 7: Travel to and from BLM Surprise Valley Field Office, Cedarville, CA, to assist Council Vice-Chairman Ernie Barlese and Council Member Jerry Barr discuss Ruby Pipeline Project environmental issues with Acting Field Office Manager.

October 13: Drafted Comments and response to EPA Region 9 Tribal Program Office October 1, 2010 letter and End-Of-Year and Close Out Reports.

October 14: Reviewed Nevada Division of Environmental Protection (NDEP) final draft of NDEP-SLPT Environmental Protection and Natural Resources Departments Protocol on communicating environmental concerns.

October 15: Transported Dean Barlese to BLM site visit on environmental issues with regard to BLM constructing new Paiute Meadows Road.

October 15: Made contact with son of owner of Metal Recycling, Winnemucca, NV, about removing abandoned vehicles at Open Pit Dump and in Tribal Compound on Reservation.

October 16: Transported Tansey Smith, ITCN Tribe-State NDEP Liaison to and attended General Membership/Regular Council Meeting. Gave report. Returned Tansey Smith to her vehicle.

October 17: Traveled to San Francisco for RTOC and Annual Conference.

October 18-19: RTOC (EPA Regional Tribal Operations Committee, PARC 55 Hotel, San Francisco, CA. Mr. Johnny served as a Nevada At-Large RTOC Representative

Alternate, and on October 19, because the RTOC Representative he served as Alternate for resigned from RTOC, Mr. Johnny became a Nevada At-Large RTOC Representative.

October 20-22: 18th Annual Tribe-EPA Conference, PARC55 Hotel, San Francisco, CA.

October 23: Traveled from San Francisco to Tribe's office in Sparks for Council Meeting.

October 25: Review FERC's Environmental Compliance Reports for: September 20-26, 2010; and September 27-October 3, 2010.

October 25: Web Site management.

October 25: Drafted environmental issue comments on BLM's Draft Winnemucca District Office Resource Management Plan & Environmental Impact Statement.

October 28: Attended Council's Gov't-to-Gov't Consultation Session with FERC, and U.S. Fish & Wildlife Service who manage Sheldon Refuge to discuss and protect environment issues.

October 28: Reviewed BLM's Revised Treatment Plan for Paiute Meadows for environmental concerns.

November 3: Review FERC's Environmental Compliance Reports for: October 4-10, 2010; and, October 11-17, 2010.

November 3: Reviewed BLM's notice seeking comment on Black Rock City LLC Special Recreation Permit to conduct Burning Man for the 2011-2015 period.

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November 3: Posted on *Minutes/Resolution Page* of Tribe's Environmental Protection Department web site, Council Resolution SL-19-2010 that authorized attorney to file with U.S. Court of Appeals of D.C. Circuit a Petition For Review to challenge FERC's April 2010 Certificate Order and October 6, 2010 denial of Tribe's Request For Rehearing on grounds that FERC's decisions violate federal laws, including the National Environmental Policy Act.

November 5: Reviewed Tansey Smith email and subscribed to e-version of Waste Advantage Magazine.

November 10: Issued Comment on Black Rock City's Special Recreation Permit to conduct Burning Man for the 2011-2015 period advising BLM that Tribe needed Operating Plan to comment by December 13, 2010 deadline since Permit only said (see Operating Plan (forth coming)).

November 10: Reviewed EPA's Clean Air Act Funding Announcement, and discussed with Tribe officials applying for funding to write codes.

November 11: Interviewed by KVMR-FM radio station, Nevada City, CA, on Ruby Pipeline environmental issues.

November 12, 2010, reviewed Black Rock City's Operating Plan emailed by BLM and found that it appeared to be 2005-2010 Operating Plan with new Cover Letter, and commented to BLM of said observation, requesting 2011-2015 Operating Plan.

November 14: Drafted follow-up letter to Enrique Manzanilla for Council Chairman

Warner Barlese's signature on failure of EPA to respond to Chairman's October 13, 2010 Comments and response to EPA Region 9 Tribal Program Office October 1, 2010 letter and End-Of-Year and Close Out Reports.

November 14: Traveled to San Francisco to attend DOE EECBG Workshop.

November 15: Attended DOE EECBG Workshop, EPA Region 9 Bldg, San Francisco, CA, 9am to 4:30pm.

November 15: Hand delivered RTOC nomination form and Council Chairman Warner Barlese's follow-up letter on failure of EPA to respond to Chairman's October 13, 2010 Comments and response to EPA Region 9 Tribal Program Office October 1, 2010 letter and End-Of-Year and Close Out Reports.

November 16: Traveled from San Francisco to office, and then traveled to Elko, Nevada, for ITERC (Inter-Tribal Emergency Response Commission) Meeting.

November 17: Inter-Tribal Emergency Response Commission (ITERC) Meeting at Environmental Protection Dept office of Elko Band of Te-Moak Shoshone Tribe, Elko, NV.

November 18: Conference Call with Tribe's GAP Grant Project Officer on Audit Finding and auditor statements.

November 19: Participated in EPA Region 9 Restricted Use Pesticide (RUP) Certification & Training (C&T) Conference Call, 10am to 11:40am.

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November 26: Made Comment on FERC (Federal Energy Regulatory Commission) Mitigation Decision on One Mile Spring, asking FERC clarify how trench inspectors and trench plugs would protection the water quality and flow quantity of One Mile Spring, and asking what Ruby Pipeline would do with trench water since FERC directed Ruby not to appropriate water from the Summit Lake water basin.

November 26: Communicated with Metal Recycling, Winnemucca, Nevada, about meeting on proposal they remove abandoned vehicles from Open Pit and Tribal Compound of Summit Lake Reservation.

November 26: Finalized this Quarter's Environmental Newsletter.

## **FWS IMPOSES ONE OF MANY MITIGATION REQUESTS OF COUNCIL ON RUBY PIPELINE**

In an email, dated November 19, 2010, Damien Miller, Deputy Project Leader, Sheldon-Hart Mountain NWRC (National Wildlife Refuge Complex, U.S. Fish & Wildlife Service (FWS), Lakeview, OR, advised the Summit Lake Paiute Council that of the nine mitigations the Council asked FWS to impose on Ruby Pipeline for Ruby Pipeline big rigs use of the Badger/Summit Lake/Cedarville Road when they haul 42-inch-diameter pipe, 80-feet-long, and their heavy equipment, on one of the main routes used by tribal members from the Reservation that only one mitigation would be required.

Mr. Miller advised "we proposed amending our [Special Use Permit] with Ruby to address the concerns brought forward by the Tribe regarding the potential negative impacts of the road reroute to the . . . spring

water quality. . . [to] 10 mile spring. . . . After our discussion during the 10/28 Tribal council meeting, we proposed Ruby install a temporary small bridge to elevate traffic over the existing water and winter ice flow at 10 mile spring on the existing road will eliminate all potential negative impacts of Ruby's use of the road to the 10 mile spring. . . . We do not believe it is appropriate for us to require Ruby to implement mitigation measures that are not directly related to impacts caused by their action. In contemplating [the Council's] list of requested mitigation, we could only see one item that is directly related to Ruby's use of the road and that is the requirement that they put in a temporary small bridge on the existing road over the 10 mile spring outflow area."

## **FIRST NON-EAGLE FEATHER REPOSITORY ESTABLISHED**

On June 21, 2010, the U.S. Fish and Wildlife Service Southwest Region issued a News Release that FWS and the Comanche Nation of Oklahoma had established a two-year pilot non-eagle feather repository to provide Native Americans with a permitted source to obtain non-eagle feathers from federally regulated migratory birds for religious and cultural use.

For more information on this new repository, contact Bill Voelker, Director of the Comanche Nation Ethno-Ornithological Initiative (SIA) at (580) 464-2750, or visit his web site at <http://www.comancheeagle.org> You can also contact Joe Early, U.S. Fish & Wildlife Service's Native American Liaison at (505) 248-6602 or [joe\\_early@fws.gov](mailto:joe_early@fws.gov)

[END]

SUMMIT LAKE PAIUTE TRIBE

**SUMMIT LAKE RESERVATION SPRING 2011 CLEAN UP DAY  
VEHICLE AND METAL ITEM REMOVAL WORK ORDER FORM**

Work Order # \_\_\_\_\_ Today's Date: \_\_\_\_\_  
Requested by: \_\_\_\_\_ (Requestor)  
Phone Number: ( ) \_\_\_\_\_ Alternate Phone No.: ( ) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Email Address: \_\_\_\_\_

---

**VEHICLE INFORMATION  
(Complete for Each Vehicle)**

Make: \_\_\_\_\_ Model \_\_\_\_\_ Color \_\_\_\_\_ Year \_\_\_\_\_  
Vehicle Identification Number \_\_\_\_\_  
Reason for Removal (Circle As Appropriate)  
A. No Longer Want    B. In Way of Construction    C. Taking Up Space    D. Doesn't Run/Work  
E. Owner Deceased    F. Owner Incarcerated    G. Other (Describe) \_\_\_\_\_  
Does the Requestor have Title for the vehicle?    Yes [ ] No [ ]  
Does the Requestor own the vehicle?    Yes [ ] No [ ] If No, explain: \_\_\_\_\_  
\_\_\_\_\_  
Does the Requestor have permission to remove the vehicle? Yes [ ] No [ ]

---

**LOCATION OF VEHICLE OR METAL ITEMS**

Location \_\_\_\_\_  
GPS    Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
If vehicle or metal item(s) not visible from road, where are they located on Reservation (list metal items):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

**AUTHORIZATION TO REMOVE**

I, \_\_\_\_\_, hereby give the Summit Lake Paiute Tribe Environmental Protection Department and tribal members assisting in the 2011 Spring Clean Up Day the authority to enter by land assignment and remove the aforementioned vehicle(s) and metal items, after having given the Summit Lake Paiute Tribe Environmental Protection Department the proper documentation.

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Director, EP Dept.: \_\_\_\_\_ Date: \_\_\_\_\_

# Exhibit I

[Print](#) | [Close Window](#)

**Subject:** Bridgeport Indian Colony FY 12 Indirect Cost Proposal

**From:** Cresencia-Marilyn\_P\_Elgar@nbc.gov

**Date:** Mon, May 14, 2012 2:16 pm

**To:** <admin@bridgeportindiancolony.com>

**Cc:** avickers@charter.net

Hi Ron,

I have started the review of the proposal and additional information is required.

(1) As we have mentioned in our letter offer dated 5/14/11, it reads:

As previously noted in a August 16, 2010 letter to Chairperson Sam, starting with the FY 2011 indirect cost negotiation, salaries and wages for employees working on multiple activities or cost objectives must be supported with adequate documentation [in accordance with 2 CFR 225 (OMB Circular A-87), Appendix B, Section 8.h(4) and (5)] to be eligible for inclusion in the indirect cost pool. The use of estimated percentages of time is allowable for budgeted expenses; however, a distribution of actual salaries and wages is required to be supported by personnel activity reports or equivalent documentation when employees work on both an indirect cost activity and a direct cost activity. The Colony has agreed to (1) immediately establish a time tracking system that satisfies the requirements of 2 CFR 225, Appendix B, Section 8.h(4) and (5), and (2) provide samples of completed personnel activity reports with the FY 2012 indirect cost rate proposal. Any unsupported allocation of non-council salaries, wages, and fringes will be disallowed as indirect and transferred to the base in the FY 2012 negotiation.

Therefore, please provide a completed copy of timesheet for the following personnel to be allowed in the FY 12 indirect cost pool: Tribal Administrator, Administrative Assistant and Bookkeeper.

(2) Please provide support for the FY 10 indirect cost collection of \$90,338.

Please provide your responses and requested information to me ASAP or NLT Monday, 5/21/12.

Please do not hesitate to call or send an email if you have questions.

Thank you.

Marilyn P. Elgar  
Indirect Cost Services Auditor/Negotiator  
Acquisition Services Directorate

916-566-7293 (office)  
916- 566-7110 (fax)  
email: celgar@nbc.gov

U.S. Department of the Interior  
National Business Center  
2180 Harvard Street, Suite 430  
Sacramento, California 95815  
Internet: <http://www.aqd.nbc.gov/ics>

We want to hear from you! Please let us know how we are doing in meeting your needs by taking a short survey at [www.aqd.nbc.gov/survey](http://www.aqd.nbc.gov/survey)

From: <admin@bridgeportindiancolony.com>  
To: Cresencia-Marilyn\_P\_Elgar@nbc.gov,  
Date: 04/26/2012 08:54 AM  
Subject: RE: Bridgeport Indian Colony FY 12 Indirect Cost Proposal

Dear Ms. Elgar,

Other than email, the best way to reach me to have any questions answered is calling my Tribe cell phone (775-291-5004).

Ron

Ron Eagleye Johnny  
Tribal Administrator

---

Bridgeport Paiute Indian Colony  
(a federally recognized Indian Tribe)  
355 Sage Brush Drive  
Bridgeport Indian Colony  
Phone: (760) 932-7083  
Email: [admin@bridgeportindiancolony.com](mailto:admin@bridgeportindiancolony.com)  
Website: <http://www.bridgeportindiancolony.com>

Mailing address:  
P.O. Box 37, Bridgeport, CA 93517  
Fax: (760) 932-7846

----- Original Message -----

Subject: Bridgeport Indian Colony FY 12 Indirect Cost Proposal  
From: Cresencia-Marilyn\_P\_Elgar@nbc.gov  
Date: Thu, April 26, 2012 8:30 am  
To: [admin@bridgeportindiancolony.com](mailto:admin@bridgeportindiancolony.com)  
Cc: [avickers@charter.net](mailto:avickers@charter.net)

Ron Eagleye Johnny, Tribal Administrator  
Bridgeport Indian Colony

cc: Antholy L. Vickers, CPA

Good Morning Ron,

This is to inform you that I have been assigned to review the Colony's FY 12 indirect cost proposal. I have other proposals ahead of yours. I will send you another email as soon as I start with my review.

Please do not hesitate to call or send an email if you have questions.

Thank you.



Marilyn P. Elgar  
Indirect Cost Services Auditor/Negotiator  
Acquisition Services Directorate

916-566-7293 (office)  
916- 566-7110 (fax)  
email: [celgar@nbc.gov](mailto:celgar@nbc.gov)

U.S. Department of the Interior  
National Business Center  
2180 Harvard Street, Suite 430  
Sacramento, California 95815  
Internet: <http://www.aqd.nbc.gov/ics>

We want to hear from you! Please let us know how we are doing in meeting  
your needs by taking a short survey at [www.aqd.nbc.gov/survey](http://www.aqd.nbc.gov/survey)

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## Exhibit J

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**Subject:** Bridgeport Indian Colony FY 12 Indirect Cost Proposal

**From:** Cresencia-Marilyn\_P\_Elgar@nbc.gov

**Date:** Mon, May 14, 2012 3:05 pm

**To:** <admin@bridgeportindiancolony.com>

**Attach:** Personnel\_Activity\_Report\_(Tribal) excel.xls

Hi Ron,

Please see sample copy of timesheet. You can also modify it according to your needs.

(See attached file: Personnel\_Activity\_Report\_(Tribal) excel.xls)

Thank you.

Marilyn P. Elgar  
Indirect Cost Services Auditor/Negotiator  
Acquisition Services Directorate

916-566-7293 (office)  
916- 566-7110 (fax)  
email: celgar@nbc.gov

U.S. Department of the Interior  
National Business Center  
2180 Harvard Street, Suite 430  
Sacramento, California 95815  
Internet: <http://www.aqd.nbc.gov/ics>

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# Personnel Activity Report

EMPLOYEE NAME:	PAY PERIOD: 24-1														FROM: 12/1/07	TO: 12/14/07
	12/1	12/2	12/3	12/4	12/5	12/6	12/7	12/8	12/9	12/10	12/11	12/12	12/13	12/14		
GENERAL GOVERNMENT & PROGRAM MGT	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.	TOTAL	
ECONOMIC / SOCIAL DEVELOPMENT															0.00	
COMMITTEE / LEGISLATIVE															0.00	
LIAISON / COORDINATION															0.00	
LAND ACQUISITION															0.00	
EXECUTIVE DIRECTION															0.00	
POLICY PLANNING															0.00	
ENROLLMENT SERVICES															0.00	
ELECTION															0.00	
JUDICIAL SERVICES															0.00	
GAMING COMMISSION															0.00	
638 PROGRAMS															0.00	
OTHER FEDERAL PROGRAMS															0.00	
TRIBAL PROGRAMS															0.00	
LEAVE / HOLIDAY (Allocated based on time)															0.00	
															0.00	
															0.00	
TOTAL GENERAL GOVT & PROGRAM MGT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
INDIRECT FUNCTION ADMINISTRATION	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.	TOTAL	
GRANT/CONTRACT DEVELOPMENT															0.00	
AUDIT/ACCOUNTING SERVICES															0.00	
BUDGET DEVELOPMENT															0.00	
PERSONNEL/HR DECISIONS (hiring/firing)															0.00	
OTHER INDIRECT FUNCTIONS (specify below)															0.00	
															0.00	
															0.00	
															0.00	
LEAVE / HOLIDAY (Allocated based on time)															0.00	
															0.00	
TOTAL INDIRECT FUNCTION ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GRAND TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

I CERTIFY THAT THIS INFORMATION IS TRUE AND CORRECT

EMPLOYEE SIGNATURE	DATE	APPROVAL OFFICER SIGNATURE	DATE

## Exhibit K

**Organization or Department Name:**

Environmental Protection Department

**Ron Johnny**

**Employee Signature:**

Pay Period: 09

**From: 4/23/11**

Through: 5/6/11

**Supervisor Signature:**

Through: 5/6/11

[illegible]

**Finance Comments:**

Finance Comments	Sick leave Bal of 67.5 hrs for

Plw Jon - phone  $\approx$  9:00 am Total hrs to be paid is 120 hrs.  
Timesheet total of 121 hrs includes 1 hr of Volunteer time

2A

40 hrs in CAE was pd @ 25.75/hr, should have been pd @ 40 hrs @ \$20.00  
and \$230.00 - \$115.00 to be deducted from CAE portion on PP 11 & PP 12

SUMMIT LAKE PAIUTE TRIBE

Employee Name: RONALD E. JOHNNY

Social Security:

PII

05/11/2011

20253

20253

Earnings				Benefits		Deductions		Leave			
Code	Rate	Hours	Amount	Code	Amount	Code	Amount	Code	Accrued	Taken	Balance
WAGE...	25.75	62.75	1,615.81					AL	4.00	0.00	106.50
WAGE...	25.75	9.25	238.19					SICK	4.00	9.25	62.25
WAGE...	25.75	8.00	206.00								
WAGE...	25.75	40.00	1,030.00								

Taxes			
Code	Current	YTD	YTD Tax Earnings
FIT	413.85	3,999.91	30,382.98
SS	129.78	1,276.07	30,382.98
MC	44.81	440.55	30,382.98

— Workers' Comp —

Pay Period: 04/23/2011 - 05/06/2011

Totals					
Earnings	3,090.00	Benefits	0.00	Taxes	588.44
Deductions	0.00	Workers' Comp	0.00	Net Pay	2,501.56

LMP117 Laser Multipurpose Check

E07080/39233 (8/10) 599795

## Exhibit L



[Print](#) | [Close Window](#)

**Subject:** Directive to Remove all improper GAP direct fund charges  
**From:** ron.johnny@summitlaketribe.org  
**Date:** Mon, Jun 20, 2011 12:27 am  
**To:** "Frances Winn" <frances.winn@summitlaketribe.org>  
**Cc:** "Warner Barlese" <Chairman@summitlaketribe.org>

Ms. Winn,

Contrary to your statement to the Council during the Saturday, June 18, 2011 Special Council Meeting that I never gave you information on what constituted direct and indirect GAP Grant communication charges, and it has been going on for quite a while, below is an email exchange between us in April 2011 where you, in reply, told me that you understood that only Go.Daddy web site charges were direct GAP Grant Communication charges. See email exchange below. There are other emails too.

While you are required to revise FSR's based on the directives from EPA in October 2010 and December 2010 (which you also received copies of by EPA's June 10, 2011 letter), which have not been done yet (we both need to work on them), correcting the improper direct fund charges is a higher priority thus as the GAP Grant program manager I am asking that you immediately:

1. Move all cell and other phone charges from Direct to Indirect. The current GAP Grant (September 1, 2010 to August 31, 2011) provided the Tribe with more than \$25,000 (I believe the total amount is over \$29,000) for indirect costs, including phone bills.

You also maintain a copy of the grant application, budget modified at EPA's direction when the final September 1, 2010 to August 31, 2011 grant was awarded (which shows that only Go-Daddy charges for the web site are direct fund expenses and lists phone and office space charges, etc., as indirect costs).

Please advise when this task is done and provide me with a revised budget of remaining GAP Direct and Indirect Funds on hand.

2. GAP Should Not Be Charged the Entire Monthly Mileage Charge or Lease Charge When Other Programs Use Truck G63 1963K. You told th Council in writing and verbally that the total mileage and lease charge on truck G63 1963K would be charged to GAP direct funding. **THAT IS WRONG.** Your department maintains all of the Vehicle Use Logs for each GSA vehicle. It is impossible that GAP should have been charged the mileage and lease charges for most months of the year.

Although the Vehicle Use Log for June 2011 is still in G63 1963K, GAP (meaning me) has only used the vehicle for seven or so days this month (June 2011). On June 3, 6 and 7, 2011, Council Members used G63 1963 to attend courses on the Fallon Reservation June 3 and 6, 2011, and to attend a Long Term Transportation Plan meeting with county, BIA and maybe others in Winnemucca. The mileage, and a portion of the lease fee based on the percentage of miles for June 3, 6 and 7, should be charged to ATG since the white Ford F250 (the Council's vehicle) was being used by the Natural Resources Department. The National Resources Department is using G63 1963K from Sunday, June 19, 2011 until either Friday or Saturday, June 24-25, 2011.

Quite a while ago, you or your department developed a spread sheet form.

As an example, if 1,000 miles were put on G63 1963K in June (that is a low estimate but it allows for an easier example), the vehicle costs would be allocated as follows:

Grant/Contract	Number of Miles driven	Percentage of lease fee paid
GAP 2010-2011	500	50%
Contract A	250	25%
Grant B	250	25%

Thus IN NO CASE would the GAP be charged for the entire amount for June or July and most other months between September 1, 2010 and May 31, 2011.

Please advise me when this task is completed and provide me with a revised budget of remaining GAP Direct and Indirect Funds on hand..

Sincerely,

Ron Johnny

Ron Johnny  
Environmental Coordinator and  
Director, Environmental Protection Dept.  
Summit Lake Paiute Tribe  
(775) 827-9670 office  
(775) 827-9678 fax  
Web site: [www.summitlaketribe.org](http://www.summitlaketribe.org)

----- Original Message -----

**Subject:** Re: Direct, not Indirect, Expense from GAP 87 [FWD]:  
[GoDaddy.com](#) OrderConfirmation]  
**From:** ron.johnny@summitlaketribe.org  
**Date:** Mon, April 18, 2011 8:16 am  
**To:** "Frances Winn" <frances.winn@summitlaketribe.org>

I was on the phone with them when I approved the debit.  
Sent from my Verizon Wireless BlackBerry

**From:** <frances.winn@summitlaketribe.org>  
**Date:** Mon, 18 Apr 2011 08:09:15 -0700  
**To:** <ron.johnny@summitlaketribe.org>;

**Subject:** RE: Direct, not Indirect, Expense from GAP 87 [FWD: [GoDaddy.com](#) Order Confirmation]

Ron, did you approve this as an electronic check (debit) before GoDaddy did this? Also your GoDaddy has always been a direct charge.

----- Original Message -----

Subject: Direct, not Indirect, Expense from GAP 87 [FWD: [GoDaddy.com](#) Order Confirmation]

From: <[ron.johnny@summitlaketribe.org](mailto:ron.johnny@summitlaketribe.org)>;

Date: Sat, April 16, 2011 5:48 pm

To: "Frances Winn" <[frances.winn@summitlaketribe.org](mailto:frances.winn@summitlaketribe.org)>

Frances,

[GoDaddy.Com](#) used an electronic check (debit) to pay the below charge. 20% off. This is a Direct charge from the GAP Grant (Communications).

Ron

Ron Eagle Johnny, J.D.

Director, Environmental Protection Dept.

Summit Lake Paiute Tribe

(775) 827-9670 office

(775) 827-9678 fax

Web site: [www.summitlaketribe.org](http://www.summitlaketribe.org)

----- Original Message -----

Subject: [GoDaddy.com](#) Order Confirmation

From: <[sales@godaddy.com](mailto:sales@godaddy.com)>

Date: Sat, April 16, 2011 5:21 pm

To: <[ron.johnny@summitlaketribe.org](mailto:ron.johnny@summitlaketribe.org)>;

[View Mobile Friendly Version](#)



## ORDER CONFIRMATION FROM GODADDY.COM

# Thank you for your order!

**Customer Number:**  
12312386

**Username:**  
summitlake

**Receipt Number:**  
321004945

Dear  
Ron Johnny,

This email contains important information regarding your recent [GoDaddy.com](#) purchase – please save it for reference.

QTY	ITEM	PRICE
1	Web Site Design with Updates - 20 pg Design - Renewal (semiannual) Length: 1 Period(s)	\$431.95

[summitlaketribe.org](http://summitlaketribe.org)

Special Savings: -\$107.99  
Subtotal: \$431.95  
Shipping & Handling: \$0.00  
Tax: \$0.00  
Total: \$431.95

Important Information concerning your purchase:

Access all your products:



Enter domain



**Billing Questions?**  
(480) 505-8855

**Live 24/7 Sales & Support**  
(480) 505-8877

**Save 20%**  
off your next purchase  
of \$75 or more\*

USE PROMO CODE: bb462075

### Go Daddy Deals

**Deluxe Hosting** - Just \$7.99/mo. Host with 150GB space, 1500GB transfer, FREE software & more.

**Search Engine Visibility** - Just \$35.88/yr. Easily optimize your site for Google®, Yahoo® and other top search engines.

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[Private Registration](#)

[Web Hosting](#)

[SSL Certificates](#)

[WebSite Tonight®](#)

[Search Engine Visibility](#)

[Business Registration](#)

[Web-Based Email](#)

[Certified Domains](#)

[Quick Shopping Cart®](#)

[Dedicated/Virtual Dedicated Hosting](#)

[More...](#)

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Log in NOW and earn up to  
20% on qualified orders!



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**Connect With Us**

**Facebook®**  
Become a fan.



**Twitter®**  
Follow us.



**BobParsons.me**  
What's Bob saying now?



**Help & Forums**  
Go Daddy Community help  
and support.



**Tell Us About You**  
Give 5 minutes. Get better  
products and services.



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Prices are current as of 4/16/2011, and may be changed without notice.

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## Exhibit M



SUMMIT LAKE PAIUTE TRIBE  
Primary Administrative Office  
1708 H Street, Sparks, NV 89431-4337  
(775) 827-9670 (775) 827-9678 (fax)

SUMMIT LAKE PAIUTE COUNCIL  
Chairman: Warner Barlese • Vice-Chairperson: Ernie Barlese  
Secretary/Treasurer: Jerri Lynn Barlese • Council Member: Jerry L. Barr • Council Member: Randi DeSoto

---

June 29, 2011

Ronald E. Johnny

PII

Re: Separation from Employment with Tribe

Dear Ron,

Your last day of work with the Summit Lake Paiute Tribe as Environmental Coordinator and Director of the Environmental Protection Department will be Wednesday, July 7, 2011 because of loss of funding and our need to lay you off.

Thank you for all the work you have done for the Tribe.

Sincerely,

PII

Warner Barlese  
Chairman  
Summit Lake Paiute Council

cc:

WB/rej



SUMMIT LAKE PAIUTE TRIBE  
Primary Administrative Office  
1708 H Street, Sparks, NV 89431-4337  
(775) 827-9670 (775) 827-9678 (fax)

SUMMIT LAKE PAIUTE COUNCIL  
Chairman: Warner Barlese • Vice-Chairperson: Ernie Barlese  
Secretary/Treasurer: Jerri Lynn Barlese • Council Member: Jerry L. Barr • Council Member: Randi DeSoto

---

June 29, 2011

To Whom It May Concern,

Re: Recommendation Letter for Ronald E. Johnny

Ronald E. Johnny has worked for the Summit Lake Paiute Tribe since September 10, 2007. Initially hired as the Environmental Coordinator in the Natural Resources Department, in February 2008 he was made Director of the newly created Environmental Protection Department.

Ron's starting salary on September 10, 2007, not including fringe, was \$45,000 per year and his ending salary on July 7, 2011, not including fringe, was \$54,160.

From February 2008 to June 17, 2011, Ron also served as the Tribe's Acting Chief Administrative Employee (CAE) and Acting Administrator. For the first six months because the Tribe lacked funding to pay a CAE or Administrator, Ron served without pay.

Ron's greatest but successful challenge as Environmental Coordinator was dealing with the Federal Energy Regulatory Commission's multi-state Ruby (natural gas) Pipeline Project. The Draft EIS was 6,000 pages and the Final EIS was 8,000 pages. Ron: kept tribal members and other Ruby Pipeline affected Tribes aware of FERC and Bureau of Land Management (BLM) decisions by emailed E-Newsletters, emails, a quarterly Newsletter all of which had photos, and regular updates of the Environmental Protection Department web site; drafted comments for my signature; negotiated Cost Recovery for the Tribe to have Ruby Pipeline compensate the Tribe for its costs like BLM gets; and, a host of other services.

Ron has been a valuable employee to the Tribe. But for losing the funding that kept him employed, I highly recommend Ron for employment.

Sincerely,

PII

Warner Barlese  
Chairman  
Summit Lake Paiute Council

cc:

WB/

## Exhibit N

Print | Close Window

**Subject:** RE: Second Updated attachment promised during June 9, 2011 Exit Conference  
**From:** ron.johnny@summitlaketribe.org  
**Date:** Sat, Jun 18, 2011 7:35 am  
**To:** ron.johnny@summitlaketribe.org  
**Cc:** "Warner Barlese" <Chairman@summitlaketribe.org>, Knight.Jessica@epamail.epa.gov, Wong.Lela@epamail.epa.gov

Ms. Knight and Ms. Wong,

Because, I assume, I was only focusing on the issues you raised about January 12, 2011, I failed to look at my Journal's two page plus entries for the GAP Commitment 2.1 activities (submitting funding proposals) I completed after normal business hours in Washington, DC.

Prior to the above, while flying to Washington, DC, I spent about an hour preparing for the below-identified conference call.

From 9:00pm to about 10:30pm (Eastern Time), January 12, 2011, I participated in a Council authorized conference call with the Council Chairman (he in Pacific Time) conducting preliminary negotiations with Ruby Pipeline on Ruby's testing of the outflow waters of one of the Tribe's most sacred springs, One Mile Spring and the reimbursement of the Tribe for its costs (cost recovery) for allowing non-Indian access to One Mile Spring, touching the water flow and taking samples. The effort eventually led to the Tribe receiving on January 16, 2011 \$10,000 from Ruby and a week later more than \$52,000 thereby satisfying one of the parts of Commitment 2.1.

I will update my draft statement next week with the above information.

Sincerely,

Ron Johnny.

---

Ron Eagleye Johnny, J.D.  
Director, Environmental Protection Dept.  
Summit Lake Paiute Tribe  
(775) 827-9670 office  
(775) 827-9678 fax  
Web site: [www.summitlaketribe.org](http://www.summitlaketribe.org)

----- Original Message -----

**Subject:** Updated attachment promised during June 9, 2011 Exit Conference  
**From:** <[ron.johnny@summitlaketribe.org](mailto:ron.johnny@summitlaketribe.org)>;  
**Date:** Thu, June 16, 2011 2:34 pm  
**To:** [Knight.Jessica@epamail.epa.gov](mailto:Knight.Jessica@epamail.epa.gov), [Wong.Lela@epamail.epa.gov](mailto:Wong.Lela@epamail.epa.gov)  
**Cc:** "Warner Barlese" <[Chairman@summitlaketribe.org](mailto:Chairman@summitlaketribe.org)>

Ms. Knight and Ms. Wong,

I am sorry for any perceived late sending of the attachment. Between Monday and Wednesday, I was traveling to and from and attending a Nevada Tribes' Environmental Managers Meeting in eastern Nevada.

Attached is my revised draft statement explaining why the EC and Acting CAE are both employees, and the Acting CAE is not an independent contractor or professional service contractor or employee, quoting Tribe policy on annual leave, sick leave, etc., and addressing the issues identified for 4/27/10 and 4/28/10 and 1/11/11



and 1/12/11.

I have not received an email and attachment(s), if you sent one to Ms. Winn, as I requested during the June 9, 2011 Exit Conference.

Ron Johnny

---

Ron Johnny  
Environmental Coordinator and  
Director, Environmental Protection Dept.  
Summit Lake Paiute Tribe  
(775) 827-9670 office  
(775) 827-9678 fax  
Web site: [www.summitlaketribe.org](http://www.summitlaketribe.org)

----- Original Message -----

Subject: REPLY: Summary and conference line information tomorrow's exit conference

From: <[ron.johnny@summitlaketribe.org](mailto:ron.johnny@summitlaketribe.org)>;

Date: Wed, June 08, 2011 5:42 pm

To: [Knight.Jessica@epamail.epa.gov](mailto:Knight.Jessica@epamail.epa.gov)

Cc: [Wong.Lela@epamail.epa.gov](mailto:Wong.Lela@epamail.epa.gov), [warner@surewest.net](mailto:warner@surewest.net),  
[Chairman@summitlaketribe.org](mailto:Chairman@summitlaketribe.org), [frances.winn@summitlaketribe.org](mailto:frances.winn@summitlaketribe.org),  
[william.cowan@summitlaketribe.org](mailto:william.cowan@summitlaketribe.org)

Dear All,

I feel the need to address some of the comments in the attachment draft related to me. See attached.

Ron Johnny

---

Ron Johnny  
Environmental Coordinator and  
Director, Environmental Protection Dept.  
Summit Lake Paiute Tribe  
(775) 827-9670 office  
(775) 827-9678 fax  
Web site: [www.summitlaketribe.org](http://www.summitlaketribe.org)

----- Original Message -----

Subject: Summary and conference line information tomorrow's exit conference

From: [Knight.Jessica@epamail.epa.gov](mailto:Knight.Jessica@epamail.epa.gov)

Date: Wed, June 08, 2011 2:22 pm

To: [warner@surewest.net](mailto:warner@surewest.net), [Chairman@summitlaketribe.org](mailto:Chairman@summitlaketribe.org),  
[ron.johnny@summitlaketribe.org](mailto:ron.johnny@summitlaketribe.org), [frances.winn@summitlaketribe.org](mailto:frances.winn@summitlaketribe.org),  
[william.cowan@summitlaketribe.org](mailto:william.cowan@summitlaketribe.org)

Cc: [Wong.Lela@epamail.epa.gov](mailto:Wong.Lela@epamail.epa.gov)

Hi Everyone,

We are all set for a conference call tomorrow morning (Thursday, July 9) at 9am. Please call (866) 299-3188 and enter conference code 415-947-4542. Attached is a summary of the findings and recommendations that we plan to discuss.

Thanks,

Jessica Knight  
Management Analyst  
US EPA Office of Inspector General  
(415) 947-4542  
(415) 271-5894 (cell)

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## Exhibit O

To: Ron  
3/16/2011

Summit Lake Paiute Tribe  
Summary Budget Comparison  
87 - EPA GAP IV G#00T19201 9/1/2009-8/31/2010  
From 9/1/2010 Through 3/16/2011

GAP IV  
YR 2  
9/1/2010 - 8/31/2011

A...	Account	Account Title	YTD Budget -	Current Period	YTD Actual	YTD Budget
T...	Code		Original	Actual		Variance - Original
EXP	7000	Salaries & Wages	54,160.00 ✓	30,900.01	30,900.01	23,259.99
EXP	7220	Employers' FICA	4,140.00 ✓	2,363.85	2,363.85	1,776.15
EXP	7250	State Unemploy...	3,466.00 ✓	556.20	556.20	2,909.80
EXP	7260	State Workers' Co...	2,128.00 ✓	703.77	703.77	1,424.23
EXP	8080	Professional Servi...	4,000.00 ✓	0.00	0.00	4,000.00
EXP	8100	Office Supplies	1,000.00 ✓	900.99	900.99	99.01
EXP	8101	General Operating...	2,000.00 ✓	461.06	461.06	1,538.94
EXP	8200	Communications	1,390.00 ✓	2,357.74	2,357.74	(967.74)
EXP	8500	Equipment	* 5,000.00 ✓	0.00	0.00	5,000.00
EXP	8510	Equipment - Leasi...	1,000.00 ✓	0.00	0.00	1,000.00
EXP	8610	Printing & Binding	157.00 ✓	0.00	0.00	157.00
EXP	8700	Travel - In State	3,418.95 ✓	2,933.45	2,933.45	485.50
EXP	8710	Travel -Out of State	74.05 ✓	74.05	74.05	0.00
EXP	8720	Travel	6,657.00 ✓	3,926.32	3,926.32	2,730.68
EXP	8740	Fuel	600.00 ✓	0.00	0.00	600.00
EXP	9733	Vehicles	11,000.00 ✓	6,499.77	6,499.77	4,500.23
EXP	9900	Indirect	25,809.00 ✓	14,609.15	14,609.15	11,199.85
T...			126,000.00	66,286.36	66,286.36	59,713.64
EXP						
Report Difference			(126,000.00)	(66,286.36)	(66,286.36)	59,713.64

\*# 5,000.00 Posted in 8500 Equip as a temp Line item To  
balance budget To Award amt of \$126,000.00  
for YR 2 9/1/10 - 8/31/2011

# 5,000.00 from IDC  
Proposed Budget of IDC = 30,809.00  
Awarded IDC = 25,809.00

Difference \$ 5,000.00 To incorporate  
into Direct

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$107,720
2. Fringe Benefits	\$18,974
3. Travel	\$20,750
4. Equipment	\$8,000
5. Supplies	\$5,230
6. Contractual	\$9,000
7. Construction	\$0
8. Other	\$30,577
9. Total Direct Charges	\$200,251
10. Indirect Costs: % Base <u>See Terms and Conditions</u>	\$55,749
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$256,000
12. Total Approved Assistance Amount	\$256,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$126,000
15. Total EPA Amount Awarded To Date	\$256,000

TOTAL AWARD	AWARD-IDC	AWARD-DIRECT				
\$ 130,000.00	\$ (29,940.00)	\$ 100,060.00	29.9221%	\$ 29,940.00	\$ 29,940.00	YR 1 IDC
\$ 126,000.00	\$ (25,809.00)	\$ 100,191.00	25.7515%	\$ 25,800.69	\$ 25,809.00	YR2 IDC
\$ 256,000.00	\$ (55,749.00)	\$ 200,251.00			\$ 55,749.00	TOTAL IDC
		YR1 IDC RATE	\$ 29.92			
		YR2 IDC RATE	\$ 25.75			
		TOTAL IDC	\$ 55.67			
		AVG YR1&YR2	\$ 27.84			

GAP Grant 2010-11 App.

# BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

## SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. IEGAP (GAP)	66.926		\$	\$126,000		\$126,000
2.						
3.						
4.						
5. TOTALS				\$126,000		\$126,000

## SECTION B - BUDGET CATEGORIES

6. OBJECT CLASS CATEGORIES	YR-2				Total (5)	
	(1) Federal	(2) Match	(3)	(4)		
a. Personnel	\$54,160	0	\$	\$	\$54,160	
b. Fringe Benefits	\$9,734	0			\$9,734	
c. Travel	\$10,150	0			\$10,150	
d. Equipment	\$1,000	0			\$1,000	
e. Supplies	\$3,000	0			\$3,000	
f. Contractual	\$4,000	0			\$4,000	
g. Construction	0	0			0	
h. Other	\$13,147	0			\$13,147	
i. Total Direct Charges (sum of 6a - 6h)	\$95,191	0			\$95,191	
j. Indirect Charges	(A) \$30,809	0			\$30,809	
k. TOTALS (sum of 6i and 6j)	\$126,000	0			\$126,000	
7. Program Income	\$	\$	\$	\$	\$	\$0

Summit Lake Paiute Tribe Rev. 08.13.2010

9/11/2010  
YHWW  
8/31/2011

(A) IDC Award 25,809.00  
Proposed IDC 30,809.00

Diff 5,000.00 Direct

Note: Posted \$5,000.00 to 8500 Equipment as a temporary

# SUMMIT LAKE PAIUTE TRIBE

## BUDGET DETAIL – GENERAL ASISTANCE PROGRAM (GAP) FY 2010-11

### a. PERSONNEL

POSITION	NUMBER	SALARY	WORK YEARS	AMOUNT
Environmental Coordinator	1	\$54,160.00	100% (1 FTE)	\$54,160.00
<b>a. PERSONNEL TOTAL</b>		<b>\$54,160.00</b>		<b>\$54,160.00</b>

### b. FRINGE BENFITS

BASE	\$54,160.00
RATE (Workers Compensation rate varies between office rate and rate for work while on Summit Lake Reservation (remote location))	17.5%
<b>b. FRINGE BENEFITS TOTAL</b>	<b>\$9,734.00</b>

### c. TRAVEL

TRAVEL EXPENSES	AMOUNT
<b>RTOC meetings</b> - Four trips to Indian reservations or San Francisco or Oakland, California, for meetings, at least one in California (– detailed information not available at this time) - \$3,800.00 (2 persons/10 days).	\$3,800.00
<b>Meetings/Training</b> – Travel cost to attend the following trainings: GIS training to learn the basics of GIS and how to use device not as a qualified GIS user to identify and record exact points of pollution - \$400 (1 persons/2 days/Sacramento, CA); Nevada Environmental Managers (Environmental Coordinators) - \$700.00 (2 persons (Council Member and Environmental Coordinator)/4 days/four Indian reservations in Nevada – detailed information not available at this time); Annual Tribal EPA Conference - \$5,000 (3 persons/4 days/airfare/San Francisco); Mercury Strategy meetings to understand how emission of mercury from Nevada mining activities may be polluting waters of Reservation and contaminating name sake of Tribe (Lahontan cutthroat trout (on Endangered Species List as threatened)) - \$250 (1 persons/2 days/Indian reservations in either California or Nevada – detailed information not available at this time).	\$6,350.00
<b>c. TRAVEL TOTAL</b>	<b>\$10,150.00</b>

SUMMIT LAKE PAIUTE TRIBE

BUDGET DETAIL – GENERAL ASISTANCE PROGRAM (GAP) FY 2010-11

**d. EQUIPMENT**

ITEM	NUMBER	COST PER UNIT	TOTAL
Rent 4X4 ATV four (4) times to: (1) access Reservation in early spring and mid-winter when County will not clear its roads leading to Reservation of snow and drifts so Environmental Coordinator can check for pollution of Summit Lake by snow mobile riders and ATV riders; and (2) to access southern lands of Reservation that are only accessible by driving around plants and bird nests (which the GSA leased pickup truck cannot do), including sage grouse nests (which are candidates for the Endangered Species Act) because the federal government broke its promise to the Tribe by closing the only access road the tribe had when it created a Wilderness Area immediately adjacent the Reservation's south border.	4	\$250.00	\$1,000.00
<b>d. EQUIPMENT TOTAL</b>			<b>\$1,000.00</b>

*\$510  
equip  
leasing*

**e. SUPPLIES**

ITEM	NUMBER	COST PER UNIT	TOTAL
Miscellaneous office supplies to comply with EPA Green Purchasing and Practices Guide for Tribal Governments: pens/pencils/note books/ recycled paper/paper clips/post-it-notes/printer ink cartridges/CDs for file storage			\$1,000.00
Updated software or accessories for computer	1-3	\$600.00	\$800.00
Miscellaneous materials for GAP related environmental presentations			\$500.00

*\$100  
D/C  
supplies*

*\$101 ~*

*\$101 ~*



SUMMIT LAKE PAIUTE TRIBE

BUDGET DETAIL – GENERAL ASISTANCE PROGRAM (GAP) FY 2010-11

Miscellaneous mailing of grant application (FEDEX), to tribal GAP project officer, etc.			\$100.00
Packaging and documenting supplies (file storage boxes/plastic bags/labels)			\$300.00
Printing color Environmental Newsletters and binding by Office Depot, Kinkos, etc.			\$300.00
<b>e. SUPPLIES TOTAL</b>			<b>\$3,000.00</b>

*\$100*  
*\$300*  
*\$300*  
*Total*  
*\$2,000.00*  
*\$100*  
*\$100*  
*\$100*

**f. CONTRACTUAL**

ITEM	PROCUREMENT METHOD	TOTAL
By Council approved bid solicitation processes (see Tribe's Procurement Procedure Manual (e.g., competitive bids)), engage independent contractor experienced in submitting NIMS (National Incident Management System) plans to FEMA (Federal Emergency Management Agency) to review Environmental Coordinator's draft and or finalized NIMS Compliant Plans so Tribe, in accordance with federal law, after FEMA declares Tribe NIMS compliant, can apply for Council approved FEMA/Homeland Security Grants to improve and or maintain environments important to Tribe which is a component of past GAP Grants, and is anticipated to be a component of all future GAP Grants.		\$4,000.00
<b>f. CONTRACTUAL TOTAL</b>		<b>\$4,000.00</b>

*8080*  
*Proc*  
*Svc*

**g. CONSTRUCTION N/A**

SUMMIT LAKE PAIUTE TRIBE

BUDGET DETAIL – GENERAL ASISTANCE PROGRAM (GAP) FY 2010-11

**h. OTHER**

ITEM	NUMBER	COST PER UNIT	TOTAL
Rent of the Environmental Coordinator's and Environmental Assistant's office space in Sparks, NV (Indirect charge)	12 months		
Utilities for office space in Sparks, NV, and Summit Lake Reservation (Indirect charge)	12 months		
Rent of GSA (General Services Administration) vehicle for use of Environmental Coordinator per EPA Vehicle Cost Reasonability Determination.	12 months	\$916.66 per month	\$11,000.00
Telephone and cell phone, and mobile wireless internet access (Indirect charge)	12 months		
Rent and or maintenance, and gasoline for ATV (all terrain vehicle) borrowed from Natural Resources Department during summer and fall. Cannot use GSA gasoline card because ATVs owned by Tribe. (Direct charge)	10 months	\$60.00 per month	\$600.00
Tribal Environmental Newsletter	4 per year mailed to 89+ tribal members who prefer mail	\$40.00 (postage now \$.44 cents X 89 tribal members)	\$157.00
Web site annual domain renewal fee	1 per year	\$3.00 per year	\$3.00
Web site quarterly web master fee	4 per year	\$202.50 per quarter	\$810.00
Web site web master fee outside of quarterly fee	6 per year	\$116.00 per event	\$577.00
<b>h. OTHER TOTAL</b>			<b>\$13,147.00</b>

~  
9733  
Vehicles

~  
8740  
Fuel

~  
8610  
Printing  
& Binding

8200  
Communications  
1,390.00

SUMMIT LAKE PAIUTE TRIBE

BUDGET DETAIL – GENERAL ASISTANCE PROGRAM (GAP) FY 2010-11

<b>i. TOTAL DIRECT COSTS</b>	<b>\$95,191.00</b>
<b>j. INDIRECT COSTS (amount less rate being negotiated (34.1% = \$42,966))</b>	<b>\$30,809.00</b>
<b>k. TOTAL PROPOSED COSTS</b>	<b>\$126,000.00</b>
<b>FEDERAL FUNDS REQUESTED</b>	<b>\$126,000.00</b>

## Exhibit P

To: KON  
3/16/2011

Summit Lake Paiute Tribe  
Summary Budget Comparison  
87 - EPA GAP IV G#00T19201 9/1/2009-8/31/2010  
From 9/1/2009 Through 8/31/2010

GAP IV  
YR 1

9/1/2009-8/31/2010

A...	Account	Account Title	YTD Budget -	Current Period	YTD Actual	YTD Budget
T...	Code		Original	Actual		Variance - Original
EXP	7000	Salaries & Wages	53,560.00	49,440.00	49,440.00	4,120.00
EXP	7220	Employers' FICA	4,100.00	3,782.16	3,782.16	317.84
EXP	7230	Federal Unemploy...	1,254.50	0.00	0.00	1,254.50
EXP	7250	State Unemploym...	2,900.00	1,021.68	1,021.68	1,878.32
EXP	7260	State Workers' Co...	1,479.50	563.72	563.72	915.78
EXP	8100	Office Supplies	1,000.00	7,227.38	7,227.38	(6,227.38)
EXP	8101	General Operating...	1,350.00	1,697.29	1,697.29	(347.29)
EXP	8151	Uniforms	0.00	31.19	31.19	(31.19)
EXP	8200	Communications	5,009.00	4,293.11	4,293.11	715.89
EXP	8510	Equipment - Leasi...	1,000.00	0.00	0.00	1,000.00
EXP	8610	Printing & Binding	157.00	0.00	0.00	157.00
EXP	8700	Travel - In State	2,150.00	829.17	829.17	1,320.83
EXP	8710	Travel -Out of State	8,600.00	8,450.64	8,450.64	149.36
EXP	8740	Fuel	600.00	0.00	0.00	600.00
EXP	8800	Training - Semina...	0.00	225.00	225.00	(225.00)
EXP	9730	Furniture & Equip...	1,000.00	1,978.79	1,978.79	(978.79)
EXP	9731	Computer	4,800.00	4,262.53	4,262.53	537.47
EXP	9733	Vehicles	11,100.00	6,479.49	6,479.49	4,620.51
EXP	9900	Indirect	29,940.00	29,940.00	29,940.00	0.00
T...			130,000.00	120,222.15	120,222.15	9,777.85
EXP						
Report Difference			(130,000.00)	(120,222.15)	(120,222.15)	9,777.85

**Summit Lake Paiute Tribe**  
**Summary Budget Comparison**  
**87 - EPA GAP IV G#00T19201 9/1/2009-8/31/2010**  
**From 9/1/2009 Through 8/31/2010**

A...	Account		YTD Budget -	Current Period		YTD Budget
T...	Code	Account Title	Original	Actual	YTD Actual	Variance - Original
EXP	7000	Salaries & Wages	53,560.00 T	49,440.00	49,440.00	4,120.00
EXP	7220	Employers' FICA	4,100.00	3,782.16	3,782.16	317.84
EXP	7230	Federal Unemploy...	1,254.50	0.00	0.00	1,254.50
EXP	7250	State Unemploy...	2,900.00	1,021.68	1,021.68	1,878.32
EXP	7260	State Workers' Co...	1,479.50	563.72	563.72	915.78
EXP	8100	Office Supplies	1,000.00 T	7,227.38	7,227.38	(6,227.38)
EXP	8101	General Operating...	1,350.00 T	1,697.29	1,697.29	(347.29)
EXP	8151	Uniforms	0.00	31.19	31.19	(31.19)
EXP	8200	Communications	5,009.00	4,293.11	4,293.11	715.89
EXP	8510	Equipment - Leasi...	1,000.00 T	0.00	0.00	1,000.00
EXP	8610	Printing & Binding	157.00 T	0.00	0.00	157.00
EXP	8700	Travel - In State	2,150.00	829.17	829.17	1,320.83
EXP	8710	Travel -Out of State	8,600.00	8,450.64	8,450.64	149.36
EXP	8740	Fuel	600.00 T	0.00	0.00	600.00
EXP	8800	Training - Semina...	0.00	225.00	225.00	(225.00)
EXP	9730	Furniture & Equip...	1,000.00	1,978.79	1,978.79	(978.79)
EXP	9731	Computer	4,800.00 T	4,262.53	4,262.53	537.47
EXP	9733	Vehicles	11,100.00 T	6,479.49	6,479.49	4,620.51
EXP	9900	Indirect	29,940.00	29,940.00	29,940.00	0.00
T...		YR-1 Award 130,000.00	130,000.00	120,222.15	120,222.15	9,777.85
EXP		IDC - 29,940.00				
		Direct 100,060.00				
Report Difference			(130,000.00)	(120,222.15)	(120,222.15)	9,777.85

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$53,560
2. Fringe Benefits	\$9,240
3. Travel	\$10,600
4. Equipment	\$8,000
5. Supplies	\$2,230
6. Contractual	\$0
7. Construction	\$0
8. Other	\$16,430
9. Total Direct Charges	\$100,060
10. Indirect Costs: % Base <u>See Terms and Conditions #8.</u>	\$29,940
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$130,000
12. Total Approved Assistance Amount	\$130,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$130,000
15. Total EPA Amount Awarded To Date	\$130,000

= 29.92% IDC YR1

SUMMIT LAKE PAIUTE TRIBE  
EPA - (GAP) GENERAL ASSISTANCE PROGRAM  
GAP IV G#00T19201 9/1/2009 thru 8/31/2013  
YR 1 - BUDGET/PROJECT PERIOD 09/1/2009 - 08/31/2010

Fund	Acct No.	Line Item Description	ORIGINAL BUDGET
80	4000	Grants Revenue	\$ 130,000.00
		<b>TOTAL REVENUE</b>	<b>\$ 130,000.00</b>
80	7000	Salaries & Wages	\$ 53,560.00
		Fringe Benefits	
80	7220	Employer's FICA @ 7.65%	\$ 4,100.00
80	7250	State Unemployment	\$ 1,254.50
80	7250	State Unemployment	\$ 2,900.00
80	7260	Workers Compensation	\$ 1,479.50
80	8100	Office Supplies	\$ 1,000.00
80	8101	General Operating Supplies	\$ 1,350.00
80	8200	Communications	\$ 5,009.00
80	8510	Equipment Lease/Rental	\$ 1,000.00
80	8610	Printing	\$ 157.00
80	8700	Travel - In State	\$ 2,150.00
80	8710	Travel - Out of State	\$ 8,600.00
80	8740	Fuel	\$ 600.00
80	9730	Furniture & Equipment	\$ 1,000.00
80	9731	Computer	\$ 4,800.00
80	9733	Vehicles	\$ 11,100.00
		<b>TOTAL DIRECT</b>	<b>\$ 100,060.00</b>
80	9900	Indirect	\$ 29,940.00
		<b>TOTAL INDIRECT</b>	<b>\$ 29,940.00</b>
		<b>TOTAL BUDGET (Direct + Indirect)</b>	<b>\$ 130,000.00</b>

Reason for Budget/Modification: To incorporate Year 1 Budget

Director's Approval

Date

Finance Approval

Date



# SUMMIT LAKE PAIUTE TRIBE

## BUDGET DETAIL – GENERAL ASISTANCE PROGRAM (GAP) FY 2010-11

### a. PERSONNEL

POSITION	NUMBER	SALARY	WORK YEARS	AMOUNT
Environmental Coordinator	1	\$53,560.00	100% (1 FTE)	\$53,560
<b>a. PERSONNEL TOTAL</b>		<b>\$87,760.00</b>		<b>\$53,560</b>

87-7000

### b. FRINGE BENEFITS

BASE	\$53,560.00
RATE (Workers Compensation rate varies between office rate and rate for work while on Summit Lake Reservation (remote location))	7230 17.5% 7250 7260
<b>b. FRINGE BENEFITS TOTAL</b>	<b>\$9,734.00</b>

### c. TRAVEL

TRAVEL EXPENSES	AMOUNT
<b>RTOC meetings</b> - Four trips to Indian reservations or San Francisco or Oakland, California, for meetings, at least one in California (–detailed information not available at this time) - \$3,800.00 (2 persons/10 days).	\$3,800.00 ✓
<b>Meetings/Training</b> – Travel cost to attend the following trainings: GIS training to learn the basics of GIS and how to use device not as a qualified GIS user to identify and record exact points of pollution - \$400 (1 persons/2 days/Sacramento, CA); Nevada Environmental Managers (Environmental Coordinators) - \$700.00 (2 persons (Council Member and Environmental Coordinator)/4 days/four Indian reservations in Nevada – detailed information not available at this time); Annual Tribal EPA Conference - \$5,000 (3 persons/4 days/airfare/San Francisco); Mercury Strategy meetings to understand how emission of mercury from Nevada mining activities may be polluting waters of Reservation and contaminating name sake of Tribe (Lahontan cutthroat trout (on Endangered Species List as threatened)) - \$250 (1 persons/2 days/Indian reservations in either California or Nevada – detailed information not available at this time).	\$6,350.00 ✓
<b>Summit Lake Indian Reservation</b> - \$600 (3 trips to Summit Lake Reservation, Nevada Environmental Mangers, or Nevada Solid Waste Workgroup meetings from Primary Administrative Office to meeting location in personal vehicle if GSA leased vehicle not available due to maintenance or other issue).	\$600.00 ✓
<b>c. TRAVEL TOTAL</b>	<b>\$10,750.00</b>

SUMMIT LAKE PAIUTE TRIBL

BUDGET DETAIL – GENERAL ASISTANCE PROGRAM (GAP) FY 2010-11

**d. EQUIPMENT**

ITEM	NUMBER	COST PER UNIT	TOTAL
Rent 4X4 ATV four (4) times to: (1) access Reservation in early spring and mid-winter when County will not clear its roads leading to Reservation of snow and drifts so Environmental Coordinator can check for pollution of Summit Lake by snow mobile riders and ATV riders; and (2) to access southern lands of Reservation that are only accessible by driving around plants and bird nests (which the GSA leased pickup truck cannot do), including sage grouse nests (which are candidates for the Endangered Species Act) because the federal government broke its promise to the Tribe by closing the only access road the tribe had when it created a Wilderness Area immediately adjacent the Reservation's south border.	4	\$250.00	\$1,000.00 87-8510
Printer and other Equipment to comply with EPA Green Purchasing and Practices Guide for Tribal Governments			\$4,000.00 87-9731 (see (A) + 800.00)
<b>d. EQUIPMENT TOTAL</b>			<b>\$5,000.00</b>

**e. SUPPLIES**

ITEM	NUMBER	COST PER UNIT	TOTAL
Miscellaneous office supplies to comply with EPA Green Purchasing and Practices Guide for Tribal Governments: pens/pencils/note books/ recycled paper/paper clips/post-it-notes/printer ink cartridges/CDs for file storage			\$1,000.00 87-8100 off Supply
Updated software or accessories for computer	1-3	\$600.00	(A) \$800.00 87-9731

SUMMIT LAKE PAIUTE TRIB.

BUDGET DETAIL – GENERAL ASISTANCE PROGRAM (GAP) FY 2010-11

Miscellaneous materials for GAP related environmental presentations			\$500.00
Miscellaneous mailing of grant application (FEDEX), to tribal GAP project officer, etc.			\$250.00
Packaging and documenting supplies (file storage boxes/plastic bags/labels)			\$300.00
Printing color Environmental Newsletters and binding by Office Depot, Kinkos, etc.			\$300.00
<b>e. SUPPLIES TOTAL</b>			<b>\$3,150.00</b>

75-8101  
1350.00

**f. CONTRACTUAL**

ITEM	PROCUREMENT METHOD	TOTAL
<b>f. CONTRACTUAL TOTAL</b>		<b>\$0.00</b>

**g. CONSTRUCTION N/A**

**h. OTHER**

ITEM	NUMBER	COST PER UNIT	TOTAL
Rent of the Environmental Coordinator's and Environmental Assistant's office space in Sparks, NV (Indirect charge)	12 months		
Utilities for office space in Sparks, NV, and Summit Lake Reservation (Indirect charge)	12 months		
Rent of GSA (General Services Administration) vehicle for use of Environmental Coordinator per EPA Vehicle Cost Reasonability Determination.	12 months	\$916.66 per month	\$11,000.00

Vehicle  
89-9733

SUMMIT LAKE PAIUTE TRIBE

BUDGET DETAIL – GENERAL ASISTANCE PROGRAM (GAP) FY 2010-11

Telephone and cell phone, and mobile wireless internet access (Indirect charge)	12 months		
Rent and or maintenance, and gasoline for ATV (all terrain vehicle) borrowed from Natural Resources Department during summer and fall. Cannot use GSA gasoline card because ATVs owned by Tribe. (Direct charge)	10 months	\$60.00 per month	\$600.00 <i>87-8740 Fuel</i>
Tribal Environmental Newsletter	4 per year mailed to 89 tribal members who prefer mail	\$40.00 (postage now \$.44 cents X 89 tribal members)	\$157.00 <i>87-8610 Printing</i>
Web site annual domain renewal fee	1 per year	\$3.00 per year	\$3.00
Web site quarterly web master fee	4 per year	\$202.50 per quarter	\$810.00
Web site web master fee outside of quarterly fee	6 per year	\$116.00 per event	\$577.00
<b>h. OTHER TOTAL</b>			<b>\$13,147.00</b>

<b>i. TOTAL DIRECT COSTS</b>	<i>Actual Amt Awarded</i> 100,060.00	\$95,341.00
<b>j. INDIRECT COSTS (amount less rate being negotiated (34.1% = \$42,966))</b>	29,940.00 <i>Diff (719.00)</i>	\$30,659.00
<b>k. TOTAL PROPOSED COSTS</b>		\$126,000.00
<b>FEDERAL FUNDS REQUESTED</b>	130,000.00 <i>Diff (4,000.00)</i>	\$126,000.00

EPA Award 4R-1 \$130,000.00

- 29,940.00 IDC  
\$100,060.00 Direct

*Diff*  
719.00  
4,000.00  
4,719.00  
- 1,000.00 GL 9730 Furniture & Equip  
- 1,390.00 GL 81-8200 Communications (B)  
- 2,329.00  
4,719.00

EPA approved @ 29,940.00

## Exhibit Q